

CRM-29741-2017 in/and
CRR-1810-2014

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

223

CRM-29741-2017 in/and
CRR-1810-2014
Date of Decision:27.11.2018

M/S RS TRAVELS

...PETITIONER

VS

ANIL KUMAR YADAV

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. D.S. Virk, Advocate
for the petitioner.

None for the complainant-respondent.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.(Oral)

Through this application (CRM-29741-2017) prayer has been made for compounding the offence under Section 138 of the Negotiable Instruments Act, 1881 on the basis of compromise effected between the parties.

Report of the learned Judicial Magistrate Ist Class, Gurugram has been received which indicates that the compromise has been effected between the parties without any pressure and coercion. As against the cheque amount of Rs.7.00 lacs, the complainant has received Rs. 3,70,590/- to record his satisfaction for compounding the offence.

Learned counsel for the petitioner submits that the penalty as imposed would frustrate the terms of compromise as the accused would not

CRM-29741-2017 in/and
CRR-1810-2014

-2-

be able to pay and, therefore, prays for exemption from payment of penalty.
Considering the facts and circumstances of this case, the prayer is allowed
and payment of penalty is exempted.

In view of the stand of the parties and compliance of the terms
of memorandum of understanding, the prayer for compounding the offence
punishable under Section 138 of Negotiable Instrument Act, 1881 is
accepted and the impugned judgment of conviction dated 28.02.2014 as
well as order of sentence dated 03.03.2014, affirmed by the appellate Court
on 07.05.2014 are set aside. The complaint is rendered as inconsequential.

Disposed off.

27.11.2018
sheetal

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No