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

CRR-1367-2017

Date of Decision: 01.05.2018

Ravinder Kumar

..... Petitioner

Versus

Sandeep Kaushik and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sandeep Dhull, Advocate for
Mr. B.S. Dhull, Advocate,
for the petitioner.

None for respondent No.1-complainant.

Mr. Manish Bansal, DAG, Haryana,
for respondent No.2-State.

SUDIP AHLUWALIA J. (ORAL)

In this petition, the petitioner has prayed for setting aside of judgment of conviction and order of sentence, dated 31.07.2013, passed by the Court below, i.e. Judicial Magistrate Ist Class, Kurukshetra, and the order dated 31.03.2017 of Ld. Additional Sessions Judge, Kurukshetra, whereby his appeal has been dismissed.

[2]. The petitioner was convicted of the offences under Sections 138 and 142 of the Negotiable Instruments Act in Complaint Case No.2 of 2013, and was sentenced accordingly. His appeal against such judgment of conviction was also dismissed. Thereafter, the instant petition has been filed.

[3]. During the pendency of this revision petition, the parties concerned have arrived at a settlement vide Compromise Deed dated 28.11.2017, placed on record by way of CRM-38875-2017.

[4]. Seen Office Report in which it is mentioned that the petitioner

has deposited the requisite amount of ₹82,500/- which is equivalent to 15% of the original cheque amount as compounding fees in terms of the earlier order. Ld. Counsel has also filed photostat copies of the concerned receipts.

[4]. No one has put in appearance on behalf of respondent No.1/complainant to oppose the compromise.

[5]. Hon'ble Supreme Court in "*Gian Singh Vs. State of Punjab and another*", 2012(4) RCR (Criminal) 543 and "*Narinder Singh and Others Vs. State of Punjab and Another*", (2014) 6 SCC 466, has opined that no useful purpose can be served by keeping the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioner/accused.

[6]. In the circumstances and in view of the decisions of the Hon'ble Supreme Court in "*Damodar S.Prabhu Vs. Sayed Babalal H.*", 2010(5) SCC 663, as also in "*Gulab Das Vs. State of M.P.*", 2012 (1) R.C.R. (Criminal) 220 and "*Mukesh Kumar Vs. State of Rajasthan*", 2013 (11) S.C.C. 511, while sustaining conviction of the petitioner for the offences under Sections 138 and 142 of the Negotiable Instruments Act, the matter is disposed off with a direction that no further sentence needs to be suffered by him nor any fine needs to be paid, apart from the sentence already undergone by him. Complaint case bearing No.2 of 2013, and all consequential proceedings arising therefrom, are also hereby quashed on the basis of compromise qua the present petitioner.

01.05.2018

Bhumika

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes

2. Whether reportable: No