

112

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

**CRM-13561-2018 in/and
CRR-2816-2017 (O&M)
Date of Decision: 08.05.2018**

Gagandeep Kaur

..... Petitioner

Versus

Gurdeep Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. L.S. Sidhu, Advocate,
for the petitioner.

None for respondent No.1-complainant.

Mr. Kirat Singh Sidhu, DAG, Punjab,
for respondent No.2-State.

SUDIP AHLUWALIA J. (ORAL)

CRM-13561-2018

Vide this application, the applicant-petitioner seeks compounding of offence. He has placed a copy of receipt No.014 dated 04.05.2018, whereby compounding fee of ₹12,750/- has been deposited.

Application stands disposed off.

CRR-2816-2017 (O&M)

[1]. On the oral request of the Ld. Counsel for the petitioner, hearing of the main case is preponed from 13.07.2018 to today itself.

[2]. In this petition, the petitioner has prayed for setting aside of judgment of conviction and order of sentence, dated 10.12.2015, passed by the Court below, i.e. Ld. Sub Divisional Judicial Magistrate, Phul, and the

order dated 07.07.2017 of Ld. Additional Sessions Judge, Bathinda, whereby her appeal has been dismissed.

[3]. The petitioner was convicted of the offence under Section 138 of the Negotiable Instruments Act in a criminal complaint bearing CIS No.COMA/212/2014, and was sentenced accordingly. Her appeal against such judgment of conviction was also dismissed. Thereafter, the instant petition has been filed.

[4]. During the pendency of this revision petition, the parties concerned have arrived at a settlement vide Compromise Deed dated 10.04.2018 (Annexures A-1), placed on record by way of CRM-13560-2018.

[5]. Seen Office Report and copy of the receipt dated 04.05.2018, showing deposit of the compounding fees amounting to ₹12,750/- by the petitioner in compliance of the last order. Ld. Counsel has also filed photostat copy of the concerned receipt.

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

[7]. 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.

[8]. 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 offence under Section 138 of the Negotiable Instruments Act, the matter is disposed off with a direction that no further sentence needs to be suffered by her nor any fine needs to be paid, apart from the sentence already undergone by her. Complaint case bearing CIS No.COMA/212/2014, and all consequential proceedings arising therefrom, are also hereby quashed on the basis of compromise qua the present petitioner.

08.05.2018

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes
2. Whether reportable: No