

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

**CRR No. 2996 of 2017 (O&M)
Date of Decision: 07.08.2018**

Ramit Taneja

...Petitioner

Versus

Rajiv and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rose Gupta, Advocate
for the petitioner.

Mr. Rohit Kumar, Advocate
for respondent No. 1.

Mr. Parveen Aggarwal, DAG, Haryana
for respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this revision petition is for setting aside the judgment of conviction dated 05.02.2015 and order of sentence dated 07.02.2015, passed by the Judicial Magistrate First Class, Hisar, vide which, the petitioner was held guilty for commission of offence punishable under Section 138 of the Negotiable Instruments Act (*for short 'N.I. Act'*) and was directed to undergo rigorous imprisonment for a period of one year and six months and further to pay ₹5 Lakh as compensation to the complainant and also the judgment dated 04.08.2017, passed by the Additional Sessions Judge, Hisar, vide which, the appeal filed by the petitioner was dismissed holding the judgment and order of sentence passed by the trial Court.

In brief, the facts of the case are that respondent

No. 1/complainant had filed a complaint under Section 138 of the N.I. Act against the petitioner on account of dishonouring of two cheques dated 01.07.2010 amounting to ₹2,50,000/- each. Thereafter, respondent No. 1/complainant served a legal notice upon the petitioner and having failed to discharge the legal liability, respondent No. 1/complainant filed the aforesaid complaint in which the petitioner was convicted and sentenced as noticed above. Thereafter, an appeal and a revision were filed before the lower appellate Court; Criminal Appeal No. 29 was filed by the petitioner challenging the judgment of conviction and order of sentence, whereas Criminal Revision No. 37 was filed by the complainant praying for enhancement of sentence. The lower appellate Court dismissed the appeal as well as the revision. Aggrieved, the petitioner has filed present revision petition challenging the aforesaid judgment of conviction and order of sentence as well as the judgment passed by the lower appellate Court.

During the pendency of this revision petition, the parties were directed to appear before the Mediation and Conciliation Centre of this Court, vide order dated 19.04.2018 as the petitioner has set up a compromise dated 08.08.2017 (Annexure P-1) with the complainant, in which, it is stated that the petitioner has paid the amount of ₹5 Lakh to complainant and the complainant has no objection if the offences are compounded.

The parties appeared before the Mediator and a settlement/agreement has been arrived at between the parties on 06.08.2018. As per the said settlement/agreement, respondent No. 1/complainant has received the amount of ₹5 Lakh from the petitioner as full and final settlement and respondent No. 1/complainant has no objection in case the

judgment of conviction and order of sentence as well as the judgment passed by the lower appellate Court are set aside.

Learned counsel for the petitioner as well as learned counsel for respondent No. 1/complainant are *ad idem* that the compromise has been arrived at between the parties on their own free will and without any pressure and the parties will remain bound by the terms and conditions of the said settlement/agreement.

In view of the above, since the matter has been amicably settled, permission is granted to compound the offence punishable under Section 147 of the N.I. Act.

Accordingly, this revision petition is allowed and judgment of conviction dated 05.02.2015 and order of sentence dated 07.02.2015, passed by the trial Court, as well as judgment dated 04.08.2017, passed by the lower appellate Court, are set set aside.

August 07, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*