

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

CRR No.3298 of 2017 (O&M)

Date of Decision: 20.09.2018

Deep Chand

.....Petitioner

Versus

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. Nischal Mann, DAG Haryana.

Mr. Kunal Dawar, Advocate
for the complianant.

AVNEESH JHINGAN, J.(Oral)

In the present revision petition challenge is to the conviction of the petitioner under Section 138 of the Negotiable Instrument Act, 1881.

During the pendency of the revision petition, the parties have arrived at a settlement and their statements have been recorded today itself in the Mediation and Conciliation Centre of Punjab and Haryana High Court, Chandigarh and taken on record as Mark 'X'.

The matter has been settled mutually that a total amount of Rs. 3 lakh would be paid by the petitioner. As per the settlement two drafts amounting to Rs.75,000/- have been handed over to the complainant/respondent No.2.

The relevant portion of the settlement is quoted below:

"(a) Both the parties have agreed that first party shall pay total amount of Rs.3 lacs to second party in full and final settlement of all dues against the entire disputed amount between the parties including the dues towards cheque dated 06.10.2014 of Rs.2,20,000/- which was dishonoured and against which a complaint under Section 138 of the Negotiable Instruments Act was filed by the second party against the first party.

(b) Both the parties further agreed that first party shall pay Rs.75,000/- to the second party today by draft and the balance amount of Rs.2,25,000/- shall be paid by draft before 18.01.2019. The first party has brought two bank drafts No.097317 and 510704 of Rs.50,000/- and Rs.25,000/- dated 14.09.2018 and 19.09.2018 drawn on HDFC Bank and ICICI Bank, respectively. The said draft have been handed over to the second party today during mediation, against receipt on photocopy of drafts attached herewith.

(c) Both the parties agreed that the aforesaid drafts have been inadvertently got prepared in the name of Mithan Lal instead of Mithan Singh (complainant). The first party agreed that if there is any difficulty is faced by the second party in encashing the drafts due to mismatching of name or any other reason in such eventuality the first party shall get new drafts issued in favour of the second party. The first party shall go to the relevant bank alongwith second party and get the new drafts prepared immediately at the cost of first party. The parties agree that if new drafts are to be made the same shall be got prepared before 07.10.2018.

(d) Both the parties have agreed that the balance amount of Rs. 2,25,000/- shall be paid by the first party to the second party before the Hon'ble High Court during the proceeding aforesaid Criminal Revision. The parties further agreed that the complainant/respondent No.2 shall make necessary statement on receiving the balance payment regarding no objection for allowing the revision and setting aside the conviction against the petitioner. Both the parties have agreed that they will be present on the next date fixed by the Hon'ble High Court in the above mentioned petition.

(e) Both the parties agree that there is no other case is pending in any Court between the parties relating to dispute involved in the above mentioned Criminal Revision."

As per the agreement, the balance amount is to be paid before 18.01.2019. The parties shall appear before the Illaqa/Duty Magistrate on 18.01.2019 to record their statements that the balance amount has been paid by the petitioner and have been duly received by the complainant. The parties shall be bound by the terms and conditions of the settlement.

On compliance of the terms and conditions, the sentence of conviction of one year shall be reduced to the period already undergone by the petitioner.

In case of failure of the petitioner to pay the balance amount before 18.01.2019, the criminal revision petition shall be deemed to be dismissed.

Disposed of accordingly.

20.09.2018
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No