

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

229

**CRR No.1193 of 2018 (O&M)
Date of Decision: 15.12.2018.**

Amit

....Petitioner.

Versus

State of Union Territory Chandigarh and another

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Kamal Singh, Advocate for the petitioner.

Mr. Rajiv Sharma, A.P.P., U.T., Chandigarh
for respondent No.1.

Mr. S.S. Sodhi, Advocate, for respondent No.2.

Shekher Dhawan, J.

In terms of order dated 06.12.2018, the petitioner has deposited a sum of Rs.5,000/- with the Legal Services Authority, Chandigarh.

Present litigation was initiated at the instance of complainant Virender Kumar (respondent No.2 herein) under Section 138 of the Negotiable Instruments Act (for short, 'the Act') and learned Judicial Magistrate Ist Class, Chandigarh vide judgment of conviction and order of sentence dated 16.07.2016 had convicted and sentenced the accused persons. The appeal preferred by the accused persons against the said judgment of conviction and order of sentence was also dismissed by learned Additional Sessions Judge, Chandigarh vide judgment dated 11.09.2017.

Thereafter, the parties to the litigation settled the matter and payment of Rs.2,00,000/- (which includes principal amount and some amount on account of interest) has already been made to the complainant-respondent No.2 and that fact has been admitted by learned counsel representing the respondents.

The petitioner has also deposited a sum of Rs.,5,000/- to be the payment to the Legal Services Authority, Chandigarh, on account of settlement between the parties during the process of appeal in terms of judgment of Hon'ble the Apex Court in **Damodar S. Prabhu vs. Sayed Babalal H., 2010(5) SCC 663.**

Taking into consideration all these facts that complaint under Section 138 of the Act was filed and conviction was recorded thereunder, which was affirmed in appeal, but thereafter the matter has been settled amicably between the parties as per provisions of Section 147 of the Act lawfully rendering the present litigation futile, as such, the judgment of conviction and order of sentence dated 16.07.2016 passed by learned Judicial Magistrate Ist Class, Chandigarh as well as judgment dated 11.09.2017 passed by learned Additional Sessions Judge, Chandigarh, dismissing the appeal against the judgment of conviction and order of sentence dated 06.07.2016, stand set aside as the matter has been lawfully compounded. The petitioner is acquitted of the charge.

Petition stands disposed of accordingly.

(SHEKHER DHAWAN)
JUDGE

15.12.2018
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