

**CRIMINAL MISC. NOS.13259 TO 13261 OF 2018 & :{ 1 }:  
CRIMINAL REVISION NO.1338 OF 2018**

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

**125**

**CRIMINAL MISC. NOS.13259 TO 13261 OF 2018 &  
CRIMINAL REVISION NO.1338 OF 2018  
DATE OF DECISION: APRIL 17, 2018**

Arun Dhawan

.....Petitioner

**VERSUS**

Smt.Savita Nahar

....Respondent

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH**

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

\*\*\*\*\*

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Crl.Misc. No.13259 of 2018

Application is allowed as prayed for subject to all just exceptions.

Crl.Misc. Nos.13260-61 of 2018 and Crl.Revision No.1338 of 2018

This revision petition has been preferred, challenging the order dated 22.09.2016 passed by the Judicial Magistrate Ist Class, Chandigarh, vide which the petitioner has been found guilty of committing an offence under Section 138 of the Negotiable Instruments Act, 1881 (for short, “the Act”) and he has been sentenced to undergo RI for one year alongwith compensation to the tune of ₹4,00,000/- in terms of Section 357 (3) Cr.P.C.

In an appeal preferred against the said order by the petitioner, the same stands dismissed by the Appellate Court vide judgment dated 10.04.2018.

It is the contention of learned counsel for the petitioner that a compromise dated 12.04.2018 (Annexure P-1) has been entered into between the parties, which is supported by an affidavit dated 16.04.2018 (Annexure P-2) of respondent-complainant, Savita Nahar. He contends that in the light of the compromise the respondent-complainant is satisfied and has no objection in case the present revision petition is allowed by reducing the sentence of the petitioner to the period already undergone by him.

Notice of motion.

Mr.Prem Chand Chaudhary, Advocate, who is present in Court, accepts notice on behalf of the respondent and filed power of attorney on her behalf.

Complainant, Savita Nahar wife of late Sh.Aman Kumar, has also come present in Court and has acknowledged the factum of compromise dated 12.04.2018 (Annexure P-1) as also her affidavit dated 16.04.2018 (Annexure P-2). She states that she has no objection in case the sentence of the petitioner is reduced to the period already undergone in the light of the compromise referred to above. She further states that she does not want to press the claim qua the compensation awarded by the courts below. She also contends that she does not want to pursue her complaint against the petitioner any further.

Keeping in view the above factual position with a further development which has taken place, resulting in a compromise between the parties, according to which the complainant has received the requisite amount and does not want to pursue her complaint, qua which she has also filed her affidavit dated 16.04.2018 (Annexure P-2), the present revision is partly allowed and the sentence of the petitioner, as awarded by the Courts

**CRIMINAL MISC. NOS.13259 TO 13261 OF 2018 &  
CRIMINAL REVISION NO.1338 OF 2018**

**:{ 3 }:**

below, is reduced to the period already undergone. Since the petitioner is lodged in Model Jail, Burail, Chandigarh, he be released forthwith, in case not required in any other case.

In view of the order passed in main revision petition, Criminal Misc. Nos.13260 and 13261 of 2018 have been rendered infructuous.

Disposed of as infructuous.

Copy of the order be given dasti to counsel for the petitioner under the signatures of Bench Secretary of this Court.

**April 17, 2018**  
**khurmi**

**( AUGUSTINE GEORGE MASIH )**  
**JUDGE**

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