

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

CRR-755-2018 (O&M)
Date of Decision: 28.09.2018

Jitin Adlaka

...Petitioner

vs.

Raghuraj Sharma

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Adarsh Jain, Advocate
for the petitioner.

Ms. Kamaldeep Kaur, Advocate
for the respondent.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for setting aside the judgment of conviction dated 06.04.2016 passed by Judicial Magistrate 1st Class, Faridabad, 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 the order of sentence dated 07.04.2016 vide which, the petitioner was sentenced to undergo imprisonment for a period of 06 months for commission of offence punishable under Section 138 of N.I.Act. and to pay the compensation to the tune of Rs.4,49,000/- to the complainant under Section 143 (1) (proviso) of N.I. Act read with Section 357 (1) (3) of Cr.P.C. as well as judgment dated 07.02.2018 passed by lower appellate court, vide which, the appeal filed by the petitioner was dismissed while upholding the judgment of conviction and order of sentence passed by the trial Court.

On 07.03.2018, the petitioner had brought two demand drafts for a sum of Rs.1,80,000/- i.e. 50% of the total amount in favour of

respondent towards part payment of the cheque amount and sentence of the petitioner was suspended subject to his furnishing bail/surety bonds to the satisfaction of the trial Court. Thereafter, the petitioner filed CRM-21581-2018 for placing on record memorandum of settlement/compromise as Annexure P1 and affidavit of the respondent as Annexure P2.

In view of the same, the matter was referred to the Mediation and Conciliation Centre of this Court for recording the statement of the parties. The Mediator has submitted the report dated 26.09.2018 by way of a settlement/agreement between the parties and as per the settlement, the petitioner has paid a sum of Rs. 4 lacs to the against the disputed amount as full and final settlement and the respondent has stated that he has no objection if this Court allow the present revision petition. Report of the Mediator is taken on record.

Learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court rendered in **2018 (1) R.C.R. (Criminal) 971, Sri Ashish Subba vs. Manoj Kumar Agarwal and another**, wherein it has been held that when the parties have amicably settled their dispute, the conviction and sentence of the accused, under Section 138 of the N.I. Act, can be set aside.

In view of the above, the present revision petition is allowed. Judgment of conviction dated 06.04.2016 and order of sentence dated 07.04.2016 passed by the Judicial Magistrate First Class, Faridabad as well as judgment dated 07.02.2018, passed by the lower appellate Court, are set aside.

28.09.2018
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(ARVIND SINGH SANGWAN)
JUDGE

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