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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

****

CRR No.788 of 2018 (O&M)
Date of Decision: 18.04.2018

****

Sikander Ali

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sherry K.Singla, Advocate,
for the petitioner.

Mr. Luvinder Sofat, A.A.G., Punjab,
for respondent No.1.

Mr. Mahipal S.Yadav, Advocate,
for respondent No.2.

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SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner, who is an accused under Section 138 of the Negotiable Instruments Act in a Complaint case bearing No. 165, dated 10.12.2012, pending in the Court of Ld. Judicial Magistrate Ist Class, Malerkotla, has prayed for quashing of the Complaint with all subsequent proceedings, as also the judgment of conviction and order of sentence, dated 05.02.2015, passed by the Court below, i.e. Judicial Magistrate Ist Class, Malerkotla, and order dated 22.05.2017 of Ld. Additional Sessions Judge, Sangrur, thereby dismissing the appeal, on the basis of compromise.

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[2]. The petitioner was convicted of the offence under Section 138 of the Negotiable Instruments Act and was sentenced accordingly. His appeal against such judgment of conviction was also dismissed. Thereafter, the instant petition has been filed, since the parties concerned have arrived at a settlement.

[3]. Ld. Counsel for the petitioner files the original Receipt No.002, dated 05.04.2018, showing deposit of an amount of ₹75,000/- (Rupees Seventy Five Thousand Only), which happens to be 15% of the disputed cheque amount of ₹5,00,000/- (Rupees Five Lacs Only).

[4]. Respondent No. 2 is represented by his Counsel and he does not oppose the compromise.

[5]. Hon'ble Supreme Court in ***"Gian Singh Vs. State of Punjab and another", 2012(4) RCR (Criminal) 543*** and ***"Narinder Singh and Others Vs. State of Punjab and Another", (2014) 6 SCC 466***, has opined that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioner/ accused person.

[6]. In the circumstances and in view of the decisions of the Supreme Court in ***"Damodar S.Prabhu Vs. Sayed Babalal H.", 2010(5) SCC 663***, as also in ***"Gulab Das Vs. State of M.P.", 2012 (1) R.C.R. (Criminal) 220*** and ***"Mukesh Kumar Vs. State of Rajasthan", 2013 (11) S.C.C. 511***, while sustaining conviction of the petitioner for the offence under Section 138 of the Negotiable Instruments Act, the matter is disposed off with a direction that no further sentence needs to be suffered by him nor any fine needs to be paid, apart from the sentence already undergone by

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him. Complaint case bearing No. 165, dated 10.12.2012, pending in the Court of Ld. Judicial Magistrate Ist Class, Malerkotla, and all consequential proceedings arising therefrom, are also hereby quashed on the basis of compromise qua the present petitioner.

18.04.2018 **(SUDIP AHLUWALIA)**
Apurva **JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No

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