

CRR-148-2019 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRR-148-2019 (O&M).
Decided on : September 18, 2019.**

Parveen Kataria

... Petitioner

Versus

Virgo Polycab Marketing

... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

*** * ***

**PRESENT Mr.Pushpinder Kaushal, Advocate, for
for the petitioner.**

**Mr.Rajender Kumar, Advocate,
for the respondent.**

*** * ***

ANIL KSHETARPAL, J. (ORAL)

The present revision petition has been filed against the judgment and decree passed by the learned Additional Sessions Judge, Chandigarh, dated 7.12.2018, affirming the judgment of conviction passed by the Magistrate in a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the NIA Act').

On 21.1.2019, the following order was passed: -

“By way of filing this revision petition, the petitioner

assails judgment dated 7.12.2018 passed by learned Additional Sessions Judge, Chandigarh, whereby an appeal filed by him challenging his conviction for offence under Section 138 of Negotiable Instruments Act, has been dismissed.

The learned counsel for the petitioner has submitted that infact the parties subsequently have compromised the matter for an amount of Rs.5 lacs as full and final settlement as the petitioner admittedly is not in a position to pay the entire amount of Rs.8 lacs, i.e. the cheque amount. A prayer has thus been made seeking permission to compound the offences.

Notice of motion for 23.4.2019.

At this stage, Mr. Rajender Kumar, Advocate has put in appearance on behalf of the respondent and has filed memorandum of appearance, which is taken on record. Power of attorney on behalf of the respondent be filed on or before the next date of hearing.

The learned counsel for the respondent has submitted that the parties have indeed entered into a compromise.

The parties are directed to appear before the trial Court on 21.2.2019 for recording their statements qua the factum of compromise.

The trial Court is directed to submit its report on or

before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the affected parties. The trial Court shall also record statements qua the financial position of the petitioner to the effect as to whether he is actually unable to pay the entire amount of Rs.8 lacs i.e. the cheque amount.”

Report from the Judicial Magistrate has been received according to which both the parties have suffered statements and admitted settlement between them. Complainant has also admitted that he has already received the entire payment.

Offence under Section 138 of the Negotiable Instruments Act, 1881, is compoundable under Section 147 of the NIA Act.

In view of aforesaid fact, the offence is permitted to be compounded. The judgment of conviction and order of sentence shall cease to operate.

(ANIL KSHETARPAL)
JUDGE

September 18, 2019.
raj arora

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No