

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

**CRR-380-2019 (O&M)
Date of decision: 12.12.2019**

Rajesh Kumar Sharma

... Petitioner

Vs.

Sushil Kumar Sharma and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Z.S. Chauhan, Advocate
for the petitioner.

Mr. S.S. Kamboj, Advocate
for respondent No.1-complainant.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this revision petition is for setting aside the judgment of conviction and order of sentence of even date i.e. 18.03.2017 passed by the trial Court, vide which the petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 (for short 'N.I. Act') and was sentenced to undergo R.I. for a period of three months and to pay the cheque amount with interest @9% per annum from the date of issuance of cheque till passing of the judgment, as compensation to the complainant as well as the judgment dated 18.01.2019 passed by the Additional Sessions Judge, Jalandhar, vide which the appeal filed by the petitioner was dismissed.

Vide order dated 13.02.2019, while issuing notice of motion, it is

stated on behalf of the petitioner that he has prepared a demand draft of cheque amount of Rs.50,000/-, favouring the complainant and his sentence was suspended. On 25.07.2019, the aforesaid demand draft of Rs.50,000/- was handed over to learned counsel for respondent No.1-complainant in the Court and the parties were directed to appear before the Mediation and Conciliation Centre of this Court to explore the possibility of some amicable settlement.

The Mediator has recorded statements of the parties and has submitted the report dated 10.12.2019. The parties have stated that they have entered into a valid and legal compromise and decided that they will not keep any grudge against each other. It is further stated that they have no objection if the present petition is allowed.

The Mediator has also recorded its satisfaction that the parties have entered into an amicable settlement on their own free will without any pressure or coercion and the compromise is in the interest of both the parties to maintain peace and harmony between them.

Clause 6 of the compromise/settlement arrived at between the parties reads as under: -

“a) It is agreed/settled between the parties that the first party will pay a sum of Rs.22,500/- (Rs. Twenty Two Thousand Five Hundred only) to the second party as full and final settlement of the instant dispute in addition to Rs.50,000/- (Rupees Fifty Thousand only) already paid before the Hon’ble High Court to the second party and the dispute would be finally resolved between the parties for all times to come. The amount of Rs.22,500/- (Rs. Twenty Two Thousand Five Hundred only) has been paid by the

first party to the second party by way of Banker's Cheque No.567181 dated 01/12/2019 drawn on Bank of India, Branch Code – 6401, today itself in the Mediation & Conciliation Centre, which has been duly received by the second party and the second party acknowledges the same.

b) It has been mutually agreed between the parties that the second party shall have no objection if present Criminal Revision Petition No.380 of 2019 filed by the first party is allowed by the Hon'ble High Court. The second party undertakes to make a statement/file an affidavit in the Court on the date fixed.

c) That both the parties further undertake that they will not file any Civil or Criminal litigation against each other in future with regard to the present dispute.

d) That the aforesaid settlement has been made by the parties voluntarily with their free volition and without any influence from any side and the same will be binding on both the parties and the parties will not dare to resile from the aforesaid settlement.”

Learned State counsel as well as learned counsel for the respondent-complainant has also acknowledged the compromise arrived at between the parties before the Mediation and Conciliation Centre of this Court.

In Sube Singh and another Vs. State of Haryana and another, 2013 (4) RCR (CrI.) 102, a Division Bench of this Court has held that even after conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C, can compound the offence.

Considering the fact that the parties have decided to bury their inter-se dispute and further decided to live in peace and also in view of the report of the Mediator dated 10.12.2019, present revision petition is partly allowed. Sentence awarded to the petitioner, vide judgment of conviction and order of sentence dated 18.03.2017, is modified to the extent that the same is reduced to the period already undergone by the petitioner.

Since sentence of the petitioner already stands suspended by this Court vide order dated 13.02.2019, his bail/surety bonds shall stand discharged.

[ARVIND SINGH SANGWAN]
JUDGE

12.12.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No