

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

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**CRR-764-2019 (O & M)
Date of Decision:30.05.2019**

RAVINDER SINGH

...PETITIONER

VERSUS

PREM SINGH AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S. Rai, Senior Advocate with
Ms. Rubina, Advocate for the petitioner.

Mr. D.R. Bansal, Advocate
for respondent No.1.

Mr. Raj K. Narang, Advocate
for respondent No.2.

Mr. Nischal Mann, DAG, Haryana.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioner to challenge the Appellate Court judgment dated 19.03.2019 whereby the judgment of conviction dated 28.09.2016 and order of sentence dated 03.10.2016 passed by the trial Court for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 was upheld. The trial Court had sentenced the petitioner to undergo rigorous imprisonment for a period of 6 months and a compensation amounting to ₹5 crores was also awarded to the complainant.

Learned counsel appearing on behalf of the petitioner has apprised the Court that the petitioner and the complainant have arrived at a

compromise and the complainant has agreed to settle the dispute regarding cheque in question for a sum of ₹1 crore, towards full and final settlement.

Learned Senior counsel has contended that a sum of ₹50 lacs has already been paid by way of demand draft No.459062 dated 29.05.2019, drawn at Dena Bank and the remaining amount of ₹50 lacs has been agreed to be paid by way of post dated cheque No.221459 dated 29.09.2019 drawn at Bank of Maharashtra. According to him, respondent No.1/complainant has no objection in case offence is allowed to be compounded.

On the other hand, learned counsel appearing on behalf of respondent No.1/complainant does not dispute this fact that a sum of ₹50 lacs has been received by his client by way of above said demand draft. Today, a post dated cheque bearing No.221459 dated 29.09.2019 for an amount of ₹50 lacs has also been handed over to him.

At this stage, learned counsel for the complainant contends that his client is satisfied with the present settlement. However, he seeks liberty to revive the petition in case the said post dated cheque amounting to ₹50 lacs is dishonored. It is further pointed out that though the efforts were continuously being made by the parties for settlement, however, the same got matured during the pendency of the present petition.

In view of the above, particularly the consent of learned counsel for the respondent No.1, the prayer for compounding of offence is allowed and resultantly, the impugned judgment of conviction dated 28.09.2016 and order of sentence dated 03.10.2016 passed by the learned

Judicial Magistrate Ist Class, Faridabad in complaint No.0713 dated 04.06.2015 and the judgment of the Appellate Court, Faridabad dated 19.03.2019 in RBT No.118 of 2016 are set aside. The complaint is declared as inconsequential.

However, it is made clear that in case the post dated cheque dated 29.09.2019 amounting to ₹50 lacs is not encashed for any reason attributable to the petitioner, the complainant shall be at liberty to revive the present petition.

Disposed off.

30.05.2019

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(MANOJ BAJAJ)

JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No