

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

203

CRR No.2406 of 2008 (O&M)

Date of decision : 03.07.2019

Ajay Kumar

... Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Angel Sharma, Advocate for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

Mr. R.S. Chahal, Advocate for respondent No.2.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the orders of the trial Court and the Appellate Court, whereby he has been convicted under Section 138 of the Negotiable Instruments Act, 1881 (for short, the Act') and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹ 500/- and in default thereof, to undergo further imprisonment for fifteen days.

Learned counsel for the petitioner contends that the matter has been compromised and the parties have arrived at full and final settlement.

Learned counsel for the complainant states that the matter indeed has been compromised and he has no objection if the offence is compounded in terms of the judgment of the Supreme Court in ***Damodar S. Prabhu vs. Sayed Babalal H., 2010 (5) SCC 663***. He also contends that the petitioner has also deposited 10% of the cheque amount as costs before the Legal Services Authority, Fatehabad in terms of order passed by this Court on 27.02.2019.

Learned State counsel has filed custody certificate which indicates that the petitioner has already undergone actual sentence of one month and twelve days out of total sentence of one year.

The petitioner has been convicted under Section 138 of the Act. The matter has been finally settled and it would be in the interest of justice, if the offence is compounded under Section 147 of the Act. The liability under Section 138 of the Act is civil in nature and in case the parties have arrived at compromise, the same should be accepted to give quietus to the litigation.

Consequently, the petition is allowed and the judgments dated 23/25.08.2008 passed by the trial Court and dated 07.11.2008 passed by the Appellate Court, are set aside. The petitioner is acquitted of the charges framed against him and he be released from custody in this case, if not required in any other case.

(ANUPINDER SINGH GREWAL)
JUDGE

July 03, 2019

sonia gugnani

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