

In the High Court of Punjab and Haryana at Chandigarh

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CRR-1005-2019 (O & M)

Date of Decision: 17.07.2019

HARPAL SINGH

.....PETITIONER

VERSUS

DHARMENDER SINGH

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Balraj Gujjar, Advocate for
Mr. John Kumar, Advocate for the petitioner.

Mr. Amit Choudhary, Advocate for the respondent.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the orders of the Courts below whereby he has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for a period of six months and directed to pay a compensation of ₹7.50 lacs to the complainant.

Learned counsel for the petitioner has contended that the petitioner is ready and willing to settle the matter with the respondent. With the consent of the parties, the matter was referred to the Mediation and Conciliation Centre of this Court. The report of the Mediator has been received which indicates that the matter has indeed been compromised and the petitioner shall pay a sum of ₹4.00 lacs in full and final settlement towards his liability. He further states that in terms of the settlement, the petitioner has already paid a sum of ₹2.00 lacs to the complainant and he shall be paying the outstanding amount of ₹2.00 lacs in two equal installments payable every two months.

Learned counsel for the complainant states that the matter has indeed been compromised and he has no objection if offence is compounded in terms of the judgment of the Supreme Court in case of **Damodar S. Prabhu vs. Sayed Babalal H., 2010 (5) SCC 663.**

Learned counsel for the petitioner also contends that the financial condition of petitioner is not sound and he had suffered a huge loss and, therefore, the cost be reduced to a reasonable amount.

The petitioner has been convicted under Section 138 of the Negotiable Instruments Act, 1881. As the dispute has been settled by the parties and a sum of ₹2.00 lacs has been paid to the complainant out of ₹4.00 lacs towards the full and final settlement, it would be in the interest of justice, if the offence is compounded under Section 320(6) of the Cr.P.C. The liability under Section 138 of the Negotiable Instruments Act, 1881 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 30.05.2016 passed by the trial Court and dated 10.04.2018 passed by the Appellate Court, are set aside.

The petitioner is acquitted of the charges. The petitioner shall deposit ₹25,000/- as costs with the Haryana Legal Services Authority within a period of one week.

(ANUPINDER SINGH GREWAL)
JUDGE

July 17, 2019
A.Kaundal

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