

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1942-2015 (O&M)
Date of Decision: 01.07.2019

Balwinder Singh

.....Petitioner

Versus

Jarnail Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Neha Gupta, Advocate, for
Mr. Salil Bali, Advocate, for the petitioner.

Ms. Jaspreet Kaur, Advocate, for
Mr. Nakul Sharma, Advocate, for respondent No.1.

Mr. Rajat Bansal, AAG, Punjab.

Harnaresh Singh Gill, J.

The petitioner was tried for committing the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act'). Vide judgment and order dated 14.11.2014, learned Judicial Magistrate, Ist Class, Ferozepur, held the petitioner guilty under Section 138 of the Act and sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.5,000/- and, in default of payment thereof, to further undergo simple imprisonment for 15 days.

Aggrieved there-against, the petitioner filed an appeal before the learned Sessions Judge, Ferozepur. Vide judgment dated 29.04.2015, the learned Additional Sessions Judge, Ferozepur, dismissed the appeal filed by the petitioner, thereby affirming the judgment and order passed by the learned trial

Magistrate. Still aggrieved, the petitioner has preferred the present revision petition.

During the pendency of the revision petition, petitioner has filed CRM-8407-2019 to the effect that the petitioner and respondent No.1/complainant Jarnail Singh, are closely related and they have since settled their disputes. Duly sworn affidavits of the petitioner and respondent No.1 have been filed to the effect that the parties have compromised the matter. A prayer is made in the application that the revision petition may be disposed of in view of the compromise entered between the parties.

Learned counsel for complainant-respondent No.1 does not dispute the factum of the said compromise.

It is, thus, jointly contended by the counsel for petitioner and respondent No.1 that in view of the compromise, the present petition may be allowed; the impugned judgments and order passed by the Courts below, may be set aside and the petitioner may be acquitted of the charge framed against him. In support of the said assertions, learned counsel for the parties have relied upon the judgment of this Court reported as Jaswinder Singh Vs. State of Punjab and another, 2011(7) R.C.R. (Criminal) 2613.

It is contended by the learned State counsel that as the matter is purely private in nature being the proceedings arising out of Section 138 of the Act, he has no objection in case the relief sought for by the petitioner is granted.

In view of the compromise arrived at between the parties, the parties are allowed to compound the offence under Section 138 of the Act. Consequently, the complaint under Section 138 of the Act filed by the complainant is quashed and the impugned judgments and order passed by the Courts below are set aside. As a necessary consequence, the petitioner is acquitted of the charge framed against him.

Disposed of in the above terms.

(HARNARESH SINGH GILL)
JUDGE

01.07.2019
ds

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No