

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-1716-2016 (O&M)

Date of decision: 13.05.2019

Neeraj Malhotra

..... Petitioners

Versus

Rita Rani and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Om Pal Sharma, Advocate for the petitioner.

Mr. MS Rana, Advocate for respondent No. 1.

Mr. Hittan Nehra, Addl. AG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Pursuant to the order dated 05.03.2019, the original receipt qua deposit of ₹60,000/- towards 15% of the cheque amount has been produced in Court today. The same is taken on record. Be tagged at the appropriate place.

Through instant revision, petitioner-Neeraj Malhotra, has laid challenge to judgment dated 11.04.2016 of the Ist Appellate Court, whereby his appeal against the judgment of conviction and order of sentence dated 28.07.2015, of the trial Court was dismissed.

Briefly, respondent-Rita Rani filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short-'the Act') against the petitioner for bouncing of her cheque bearing No. 550119 dated 04.02.2013, for a sum of ₹ 4,00,000/- with remarks "Funds Insufficient. After holding

trial, vide judgment of conviction and order of sentence dated 28.07.2015, the petitioner was convicted under Sections 138 of the Act and sentenced to undergo rigorous imprisonment for a period of one and a half year and pay a fine of ₹4000/. In default thereof, to further undergo simple imprisonment for a period of one month.

Being aggrieved, the petitioner approached the Ist Appellate Court, but remained un-successful as his appeal too was dismissed.

Petitioner has now filed CRM-7206-2019, for compounding of offence, on the basis of compromise dated 29.04.2016 (Annexure P-1).

Learned counsel submits that the petitioner is facing an ordeal for the last around 6 years, inasmuch as, after filing of complaint in the year 2013, a protracted criminal trial has been hanging on his head like a damocle's sword which is also a mitigating circumstance to treat him leniently.

Learned counsel for respondent No. 1-complainant, stated at bar, that he has no objection, in compounding the offence.

Keeping in view the compromise arrived at between the parties, necessary permission to compound the offence is granted.

Since, the parties have arrived at a compromise and that the same would bring peace and harmony in their relations, this Court is of the view that no useful purpose would be served by keeping the petitioner behind bars any more, inasmuch as, he had already faced a protracted trial for around 06 years suffering great mental agony. More so, the offence is compoundable in terms of guidelines laid down in **Damodar S. Prabhu Vs. Sayed Babalal H., 2010(15) SCC 663**, therefore, the aforesaid application as well as the main revision is accepted.

Consequently, complaint bearing No. COMA 48123/2013, titled 'Rita Rani Vs. Neeraj Malhotra', is dismissed as withdrawn. Petitioner is acquitted of the charges framed against him.

May 13, 2019
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(RAMENDRA JAIN)
JUDGE

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