

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

CRR No. 3838-2016 (O&M)

Date of Decision: 24.10.2019

Karnail Singh and another

.....Petitioners

Vs.

Gurdev Singh and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. P.P.S. Doabia, Advocate,
for the petitioners.

Mr. Bishan Dass Rana, Advocate,
for respondent no. 1.

Mr. B.S. Sewak, Addl. A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Though counsel for respondent no. 1 whose power of attorney is on record, is not present, Mr. Bishan Dass Rana, Advocate, has appeared for respondent no. 1, with the said respondent himself, i.e. the complainant in the complaint filed against the petitioners under the provisions of Negotiable Instruments Act, also stated to be present with him, i.e. Sh. Gurdev Singh, he produced his Aadhar card to prove his identity.

He submits that he has compromised the matter completely with the petitioners (essentially with petitioner no. 1, he being the proprietor of the firm as has been impleaded as petitioner no.2), and that he has no objection to petitioner no. 1 being released from jail and the matter being compounded even at this stage of a revision, with the first petitioner being, in fact, his brother.

In view of the above, subject to the petitioner also paying a sum of Rs. 11,000/- to the District Legal Service Authority, Amritsar, (compounding of the offence having taken place at a stage of a revision), the matter is allowed to be compounded, in terms of Section 147 of the Negotiable Instruments Act, 1881, with the first petitioner to be released from jail upon payment of the aforesaid amount of Rs. 11,000/- to the DLSA, Amritsar, with the necessary discharge certificate/warrant to be issued thereafter.

It is to be noticed that though in terms of the judgment of the Supreme Court in **Damador S. Prabhu vs. Sayed Babalal H.** (2010) 5 SCC 663, actually 15% of the cheque amount should be paid at this stage, before compounding can be allowed, however, the 1st petitioner being the brother of the complainant and the burden of such payment (as is stated) actually falling upon the complainant himself, which he has not refused to pay, on behalf of the petitioners, the aforesaid amount of Rs. 11,000/- only has been ordered to be paid.

Disposed of as above.

October 24, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.