

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-162-2017

Date of Decision: 6.5.2019

Naveen Kumar

.....Petitioner

Versus

Tarlochan Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rajnikant Upadhyay, Advocate, for the petitioner.
Mr. Abhimanyu Kalsy, Advocate, for
Mr. Ashok Asuri, Advocate, for respondent No.1.

Mr. Sarabjit Singh Cheema, Assistant A.G., 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 11.07.2016, learned Judicial Magistrate, Ist Class, Patiala, held the petitioner guilty under Section 138 of the Act and sentenced him to undergo rigorous imprisonment for a period of 10 months and to pay compensation equivalent to the cheque amount.

Aggrieved there-against, the petitioner filed an appeal before the learned Sessions Judge, Patiala. Vide judgment dated 16.11.2016, the learned Additional Sessions Judge, 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.

This Court, vide order dated 23.01.2017 while issuing notice of motion, had noticed the factum of compromise entered into between the parties. Such compromise deed was filed with the present petition as Annexure P.1. Thus, taking into consideration the factum of compromise, sentence imposed upon the petitioner was suspended.

Today, at the very outset, learned counsel for the petitioner as also the counsel for respondent No.1-complainant, have stated that in view of the compromise between the parties, the entire amount, as indicated in the compromise, stands repaid by the petitioner to complainant-respondent No.1. Thus, it is contended that in view of the said fact, 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 vide compromise deed (Annexure P.1), 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.

6.5.2019
ds

(HARNARESH SINGH GILL)
JUDGE

Whether Speaking/ Reasoned:	Yes/ No
Whether Reportable:	Yes/ No