

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

**236**

**CRR No.3792 of 2017 (O&M).  
Date of Decision: 07.02.2019.**

Subhash Chand

....Petitioner.

Versus

Sheetla Tiles and Sanitary Ware and another

....Respondents.

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**CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN**

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**Present:** Mr. Rajender Singh Malik, Advocate, for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana  
for respondent No.2.

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**Shekher Dhawan, J.**

In terms of order dated 30.10.2018, the petitioner has already deposited a sum of Rs.25,500/- with Haryana State Legal Services Authority on account of litigation expenses.

Present litigation was initiated at the instance of complainant Sheetla Tiles and Sanitary Ware (respondent No.1 herein) under Section 138 of the Negotiable Instruments Act (for short, 'the Act') read with Section 420 of the Indian Penal Code and learned Judicial Magistrate Ist Class, Gurgaon vide judgment of conviction dated 17.12.2015 and order of sentence dated 18.12.2015 had convicted and sentenced the petitioner-accused. The appeal preferred by the petitioner-accused against the said judgment of conviction and order of sentence was also dismissed by learned Additional Sessions Judge, Gurugram vide judgment dated 07.06.2017.

Thereafter, the parties to the litigation settled the matter and payment of Rs.3,00,000/- (which includes principal amount and some amount on account of interest) has already been made to the complainant-respondent No.1.

The petitioner has also deposited a sum of Rs.25,500/- to be the payment to the Haryana State Legal Services Authority, on account of settlement between the parties during the process of appeal in terms of judgment of Hon'ble the Apex Court in **Damodar S. Prabhu vs. Sayed Babalal H., 2010(5) SCC 663.**

Taking into consideration all these facts that complaint under Section 138 of the Act was filed and conviction was recorded thereunder, which was affirmed in appeal, but thereafter the matter has been settled amicably between the parties as per provisions of Section 147 of the Act lawfully rendering the present litigation futile, as such, the judgment of conviction dated 17.12.2015 and order of sentence dated 18.12.2015 passed by learned Judicial Magistrate Ist Class, Gurgaon as well as the judgment dated 07.06.2017 passed by learned Additional Sessions Judge, Gurugram, dismissing the appeal against the said judgment of conviction and order of sentence, stand set aside as the matter has been lawfully compounded. The petitioner is acquitted of the charge.

Accordingly, present revision petition stands disposed of.

(SHEKHER DHAWAN)  
JUDGE

**07.02.2019**  
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No