

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

255

**CRR No.1102 of 2018 (O&M).
Date of Decision: 19.08.2019.**

Naveen Kumar

....Petitioner.

Versus

HDFC Bank Limited and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Prithvi Raj Yadav, Advocate, for the petitioner.

Mr. Saurabh Bhardwaj, Advocate, for respondent No.1.

Mr. Harpreet Kaur, Assistant Advocate General, Haryana
for respondent No.2.

Shekher Dhawan, J.

Reply by way of short affidavit to the application under Section 147 Cr.P.C. and the Power of Attorney, filed on behalf of respondent No.1, in Court today, are taken on record.

As per reply, the matter has been compromised and respondent No.1-bank has recovered an amount of Rs.10 Lakhs as per settlement amount and the account of the petitioner has been closed. The respondent-bank has no objection if application under Section 147 Cr.P.C. is allowed.

Present litigation was initiated at the instance of complainant-HDFC Bank Limited (respondent No.1 herein) under Section 138 of the Negotiable Instruments Act (for short, 'the Act') and learned Additional Chief Judicial Magistrate, Rewari vide judgment of conviction dated

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, Rewari vide judgment dated 02.02.2018.

Thereafter, the parties to the litigation settled the matter and payment of Rs.10,00,000/- (settlement amount) has already been made to the complainant-respondent No.1.

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 08.03.2017 and order of sentence dated 09.03.2017 passed by learned Additional Chief Judicial Magistrate, Rewari as well as the judgment dated 02.02.2018 passed by learned Additional Sessions Judge, Rewari, 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

19.08.2019

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No