

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1779-2018 (O&M)
Date of decision: 12.12.2019

Suraj Parkash

... Petitioner

Vs.

Sunil Narang

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Gupta, Advocate
for the petitioner.

Mr. Atul Gaur, Advocate
for the respondent.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this revision petition is for setting aside the judgment of conviction and order of sentence of even date i.e. 08.08.2017 passed by the trial Court, vide which the petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 (for short 'N.I. Act') and was sentenced to undergo simple imprisonment for a period of one and half years and to pay the cheque amount of Rs.83,000/- with interest @9% per annum from the date of filing of the complaint till its realization, as compensation to the complainant as well as the judgment dated 04.05.2018 passed by the Sessions Judge, Panchkula, vide which the appeal filed by the petitioner was dismissed, while reducing the sentence to six months.

During pendency of the present revision petition, vide order dated 20.07.2018, sentence of the petitioner was suspended, as it is stated on behalf of the petitioner that he is ready to settle the dispute with the respondent and the matter was referred to the Mediation and Conciliation Centre of this Court.

The Mediator has recorded statements of the parties and has submitted the report dated 20.11.2018. The parties have stated that they have entered into a valid and legal compromise and decided that they will not keep any grudge against each other. It is further stated that they have no objection if the petitioner is acquitted of the charges levelled against them.

The Mediator has also recorded its satisfaction that the parties have entered into an amicable settlement on their own free will without any pressure or coercion and the compromise is in the interest of both the parties to maintain peace and harmony between them.

Clause 5 of the settlement effected between the parties reads as under: -

“i) That the first party has agreed to resolve the entire dispute regarding the amount due towards the second party for a total amount of Rs.1,25,000/- (Rupees One Lac and Twenty Five Thousand only). Out of this amount, Rs.50,000/- (Rupees Fifty Thousand only) was paid in cash to the second party at the time when the petitioner was referred to the Mediation. The balance amount of Rs.75,000/- (Rupees Seventy Five Thousand only) shall be paid by the first party to the second party vide three installments, the first two installments shall be of Rs.10,000/- each and the third installment is of Rs.55,000/-.

ii) The first party has today handed over three cheques bearing Cheque No.148526 dated 02.12.2018 of Rs.10,000/-, Cheque No.148527 dated 01.02.2019 of Rs.10,000/- and Cheque No.148527 of Rs.55,000/-. The aforesaid cheques are drawn on State Bank of India. The third cheque i.e. No.148528 amounting to Rs.55,000/- shall be payable on or before 31.03.2019.

iii) That after the receipt of the full and final amount, the second party shall have no objection if present CRR No.1779 of 2018 filed by the first party is allowed and the first party is acquitted of the charges against him in view of the present compromise.

iv) That second party shall also be bound to make any statement before any Court of Law or furnish any affidavit, if required, to honour the present compromise after the receipt of the full and final amount.”

Learned counsel for the respondent-complainant has also acknowledged the compromise arrived at between the parties before the Mediation and Conciliation Centre of this Court.

In Sube Singh and another Vs. State of Haryana and another, 2013 (4) RCR (CrI.) 102, a Division Bench of this Court has held that even after conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C, can compound the offence.

Considering the fact that the parties have decided to bury their inter-se dispute and further decided to live in peace and also in view of the report of the Mediator dated 20.11.2018, present revision petition is partly

allowed. Sentence awarded to the petitioner, vide judgment of conviction and order of sentence dated 08.08.2017 and reduced to six months by the Sessions Judge, vide judgment dated 04.05.2018, is further modified to the extent that the same is further reduced to the period already undergone by the petitioner.

Since sentence of the petitioner already stands suspended by this Court vide order dated 20.07.2018, his bail/surety bonds shall stand discharged.

[ARVIND SINGH SANGWAN]
JUDGE

12.12.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No