

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

CRR No.1792 of 2018 (O&M)
DATE OF DECISION : 19th JULY, 2019

Inderpal Singh

.... Petitioner

Versus

State of Punjab & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Sandeep Jain, Advocate for the petitioner.
 Mr. K. S. Aulakh, Deputy Advocate General, Punjab.
 Mr. Harish Sharma, Advocate for respondent No. 2.

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RAJBIR SEHRAWAT, J. (Oral)

This is a revision petition challenging the judgment/order dated 11.05.2018 passed by learned Additional Sessions Judge, Jalandhar, whereby, the appeal filed by the present petitioner was dismissed and the judgment of conviction dated 17.10.2016, under Section 138 of the Negotiable Instruments Act and the order of sentence dated 17.10.2016, passed by Judicial Magistrate 1st Class, Jalandhar in Criminal Case No.340005 of 2013, sentencing the petitioner to undergo three months of rigorous imprisonment and to pay compensation to the complainant to the tune of cheque amount along with interest @ 9% P.A. from the date of issuance of cheque till the passing of the order dated 17.10.2016, was upheld.

During the pendency of the present petition, the parties appeared to have compromised the matter. Therefore, by filing CRM-45625-2018, a prayer was made by the counsel for the petitioner for compounding the offence with a further prayer to send the parties to the

trial Court/Illaq Magistrate to get their statements recorded qua the compromise arrived at between the parties. Accordingly, the parties were directed to appear before the trial Court/Illaq Magistrate, for getting their statements recorded regarding the genuineness of the compromise effected between the parties with a further direction to the trial Court/Illaq Magistrate for submitting a report whether the compromise is without any pressure or not. Since by pleading compromise, the petitioner had sought compounding of the offence punishable under Section 138 of the Negotiable Instruments Act, therefore, vide order dated 09.01.2019, the petitioner was directed to deposit an amount of Rs.7,500/- with District Legal Services Authority, Jalandhar as compounding costs in terms of the judgment of Hon'ble the Supreme Court in case of ***Damodar S. Prabhu Vs. Sayed Babalal H. 210 AIR (SC) 1907.***

Pursuant to the above said order dated 09.01.2019, a report has been received from the Civil Judge (Jr. Division)-cum-Judicial Magistrate, 1st Class, Jalandhar that compromise arrived at between the parties has been entered into without any fear or pressure. The report further says that the amount of Rs.7,500/- has already been deposited with the District Legal Services Authority, Jalandhar, pursuant to the order passed by this Court.

Counsel for the petitioner submits that since the matter has been amicably settled between the parties, therefore, the parties may be permitted to compound the offence; and by setting aside the judgments/orders passed by the Courts below, the petitioner be ordered to be acquitted of the charges.

Mr. Harish Sharma, Advocate, appearing on behalf of respondent No.2/complainant, does not dispute the compromise arrived at between the parties. He has expressed his no objection for compounding of the offence as prayed by the counsel for the petitioner.

In view of the above, finding the prayer of the petitioner to be genuine and in view of the fact that the matter has been amicably settled between the parties, this Court finds that it would not be unjustified if the offence, for which the petitioner has been convicted, is permitted to be compounded; in terms of the above said judgment of Hon'ble the Supreme Court in ***Damodar S. Prabhu's case (supra)***.

Accordingly, CRM No.45625 of 2018 filed under Section 320 Cr.P.C. read with Section 147 of the NI Act, for compounding, is accepted and the petition is allowed. Necessary permission for compounding of offence under Section 138 of the Negotiable Instruments Act, for which the petitioner was convicted and sentenced by the trial Court, is granted. As a result of compounding, the judgment of conviction dated 17.10.2016, under Section 138 of the Negotiable Instruments Act and the order of sentence dated 17.10.2016 passed by Judicial Magistrate 1st Class, Jalandhar in Case No.340005 of 2013 and the judgment/order dated 11.05.2018 passed by learned Additional Sessions Judge, Jalandhar are set aside and the petitioner stands acquitted of the charge levelled against him.

19th JULY, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No