

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

CRR No. 943 of 2017 (O&M)

Date of decision: 24.09.2019

Nanakjeet

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

None for respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the judgment of conviction dated 04.11.2016 and order of sentence of the even date, passed by the trial Court, vide which, the petitioner was held guilty for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (*for short 'N. I. Act'*) and was sentenced to undergo rigorous imprisonment for a period of two years and to pay the compensation of Rs.8,00,000/- to the complainant and in default of payment of compensation, he was directed to further undergo rigorous imprisonment for a period of 03 months; as well as for setting aside the judgment dated 22.02.2017, vide which, the appeal filed by the petitioner was dismissed by the lower appellate Court.

It is worth noticing here that this petition is pending since 2017

and the sentence of the petitioner was suspended on 20.03.2017 as both the parties represented that they are ready to explore the possibility of some amicable settlement and the matter may be referred to Mediation and Conciliation Centre of this Court on 22.03.2017.

Thereafter, the parties appeared before the Mediation and Conciliation Centre of this Court on 22.03.2017 and a settlement/agreement was arrived at between the parties on 27.03.2017. As per Clause 6 of the said settlement, the petitioner was to make a total payment of Rs. 7,30,000/- and the first installment of Rs. 2,00,000/- was paid on the same date before the Mediator.

Learned counsel for the petitioner has produced photocopies of receipts vide which, in terms of the said settlement, the petitioner has paid entire amount of Rs. 7,30,000/- under the signature of complainant/respondent No. 2 Aman Kumar. The receipts are taken on record as Mark 'A' to 'C'.

In view of the above, it is submitted by learned counsel for the petitioner that the present petition be allowed and the offence be compounded in view of the provisions of Section 147 of the N. I. Act.

After hearing learned counsel for the parties and considering the fact that the parties have amicably settled their dispute and no other litigation is pending between them, the permission is granted to compound the offence under the provisions of Section 147 of the N.I. Act.

It has been held by Hon'ble Supreme Court in **2018 (1) R.C.R. (Criminal) 971, Sri Ashish Subba vs. Manoj Kumar Agarwal and another** that when the parties have amicably settled their dispute, the conviction and

sentence of the accused, under Section 138 of the N.I. Act, can be set aside.

Accordingly, this revision petition is allowed and judgment of conviction dated 04.11.2016 and order of sentence of the even date, passed by the trial Court, as well as the judgment dated 22.02.2017, passed by the lower appellate Court, are set set aside.

However, it is made clear that in case the petitioner is found to have made any default in payment to the complainant in view of the settlement dated 27.03.2017, it will be open for the complainant to revive the present petition.

24.09.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No