

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

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**CRR-3234-2018 (O&M)
DATE OF DECISION: 01.07.2019**

GURJIT SINGH

... Petitioner(s)

Versus

M/S JYOTI RAM NOHAR CHAND & ANR ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Inderjit Sharma, Advocate for the petitioner(s).

Mr. Prince Goyal, Advocate for respondent No.1/complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the judgments of the Courts below whereby he has been convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as 'the Act') and sentenced to undergo rigorous imprisonment for a period of two years. The allegations against the applicant/petitioner are that he had issued a cheque for a sum of ₹3,08,315/- in favour of the complainant which on presentation was dishonoured.

Learned counsel for the petitioner contends that the petitioner has entered into a compromise with respondent No.1 (complainant) and he has paid the entire cheque amount to respondent No.1 (complainant), in terms of the settlement between the parties. He further states that after the dismissal of the appeal against the judgment of the trial Court, convicting the petitioner under Section 138 of the Act and sentencing him to undergo rigorous imprisonment for a period of two years, the petitioner has arrived at a settlement with the complainant with regard to the cheque amount. He has referred to the compromise (Annexure P/2) dated 27.03.2019. He also contends that the offence

under Section 138 of the Act is compoundable even at this stage and has cited judgment of the Supreme Court **Damodar S. Prabhu vs. Sayed Babalal, H., 2010 (5) SCC 663** in support of his contention.

Learned counsel appearing for the complainant states that the matter has indeed been compromised.

The petitioner has been convicted under Section 138 of the Act. As the dispute has been settled by the parties and the entire cheque amount has been paid to the complainant in full and final settlement, it would be in the interest of justice, if the offence is compounded under Section 320(6) of the Cr.P.C. The liability under Section 138 of the Act is civil in nature and in case the parties have arrived at compromise, the same should be accepted to give quietus to the litigation.

Consequently, the petition is allowed and the judgments dated 04.11.2016 passed by the trial Court and order dated 29.08.2018 passed by the Appellate Court, are set aside. The petitioner is acquitted of the charges.

01.07.2019

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No