

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-26414-2019 in/and
CRR No. 1869 of 2019 (O&M)
Date of Decision: 27.09.2019

Suraj Bhan

.....Petitioner

Vs.

Ram Dia and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ajit Kumar Shamra, Advocate,
for the applicant-petitioner.

Mr. C.S. Singhal, Advocate,
for respondent no. 1.

AMOL RATTAN SINGH, J. (ORAL)

CRM-26414-2019

By this application, permission is sought to allow the parties to compound the offence for which the applicant-petitioner has been convicted by the learned courts below, that being one punishable under Section 138 of the Negotiable Instruments Act, 1881.

A copy of the compromise deed dated 07.08.2019 (as per vernacular version thereof), as also an affidavit executed by respondent no. 1 (complainant) of the same date, have already been taken on record, vide an order passed on 20.08.2019 in CRM-24254-2019.

Notice is issued in this application, with learned counsel for the non-applicant/respondent no. 1 accepting notice and not denying the factum of the compromise, he also not having opposed the application.

Consequently, I see no reason to not allow the application, with it, naturally, to be decided with the main petition itself, hereinbelow.

CRR No. 1869 of 2019 (O&M)

The complainant, Ram Dia, is also stated to be present in Court, with his Aadhar card produced in Court by way of identification, counsel appearing for him also having identified him.

Upon query to him, he has very categorically stated that he has received a sum of Rs. 2,50,000/- and has no objection if the matter is compounded.

That being so, the petition is allowed, with the offence also permitted to be compounded, it being a compoundable offence at any stage, in terms of Section 147 of the Negotiable Instruments Act, 1881.

15% of the amount of the cheque in question, i.e. an amount of Rs. 37,500/-, is shown to have been deposited by the petitioner with the Haryana State Legal Services Authority on 28.08.2019, vide receipt no. 0002152, a photocopy of which has been annexed as Annexure A-1 with CRM-26414-2019, in terms of the directions given by the Supreme Court in **Damador S. Prabhu** vs. **Sayed Babalal H.** (2010) 5 SCC 663, the matter having been compromised after the conviction of the petitioner, and naturally compounding of the offence also having been done at subsequent stage.

Consequently, the petitioner is ordered to be released from custody immediately, with the release order/necessary warrants in that regard, to be issued immediately.

September 27, 2019

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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes

No.