

In the High Court of Punjab and Haryana at Chandigarh

**CRR No. 3154 of 2015 (O&M)
Date of Decision: 5.7.2019**

Ajit Singh

.....Petitioner

Versus

Nachhatar Sigh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Anureet Singh Sidhu, Advocate with
Mr. Amjad Khan, Advocate
for the petitioner.

Mr. Punit Pali, Advocate for
Mr. Mohd. Salim, Advocate
for respondent No. 1.

Mr. Sandeep Kumar, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner was tried for committing the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act'). Vide judgment and order dated 17.4.2014, learned Judicial Magistrate, Ist Class, Malerkotla, held the petitioner guilty under Section 138 of the Act and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 5,000/- and, in default of payment thereof, to further undergo simple imprisonment for one week.

Aggrieved there-against, the petitioner filed an appeal before the learned Sessions Judge, Sangrur. Vide judgment dated 10.08.2015, the learned Additional Sessions Judge, Sangrur, dismissed the appeal filed by the petitioner, thereby affirming the judgment and order passed by the

learned trial Magistrate. Still aggrieved, the petitioner has preferred the present revision petition.

During the pendency of the revision petition, the parties have amicably settled their dispute and a compromise (Annexure A-1) in this regard has been reduced into writing on 15.9.2015 wherein it has been mentioned that respondent No. 1 has received the entire amount i.e. Rs. 50,000/- from the petitioner. Thus, a prayer is made that the revision petition may be disposed of in view of the compromise entered between the parties.

Learned counsel for complainant-respondent No. 1 does not dispute the factum of the said compromise. It is, thus, jointly contended by the counsel for petitioner and respondent No. 1 that in view of the compromise, the present petition may be allowed; the impugned judgments and order passed by the Courts below, may be set aside and the petitioner may be acquitted of the charge framed against him. In support of the said assertions, learned counsel for the parties have relied upon the judgment of this Court reported as ***Jaswinder Singh Vs. State of Punjab and another, 2011(7) R.C.R. (Criminal) 2613.***

It is contended by the learned State counsel that as the matter is purely private in nature being the proceedings arising out of Section 138 of the Act, he has no objection in case the relief sought for by the petitioner is granted.

In view of the compromise arrived at between the parties, the parties are allowed to compound the offence under Section 138 of the Act. Consequently, the complaint under Section 138 of the Act filed by the complainant is quashed and the impugned judgments and order passed by

the Courts below are set aside. As a necessary consequence, the petitioner is acquitted of the charge framed against him.

Disposed of in the above terms.

(HARNARESH SINGH GILL)
JUDGE

July 05, 2019
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No