

CRR-2958-2019

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

**CRR-2958-2019 (O & M)
Date of Decision:18.11.2019**

Surinder Kumar

... Petitioner

Versus

Tarlochan Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manu Loona, Advocate,
for the petitioner.

Mr. Navsangeet Sidhu, Advocate,
for respondent No.1.

Mr. M.S.Nagra, AAG, Punjab.

HARNARESH SINGH GILL, J. (Oral)

CRM-34473-2019

Heard.

For the reasons given in the application and further keeping in view that respondent No.1 does not object to the prayer made in the application and yet further considering that the dispute between the parties stands settled by way of a compromise, the present application is allowed and the delay of 1055 days in filing the revision petition is condoned.

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Though on the last date of hearing, notice was issued only in the application seeking condonation of delay, yet keeping in view the fact

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that the dispute between the parties stands settled by way of a compromise, the present petition is taken up for disposal today itself.

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 16.07.2015, learned Sub Divisional Judicial Magistrate, Jalalabad, 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 imprisonment for a period of 15 days.

Aggrieved there-against, the petitioner filed an appeal before the learned Additional Sessions Judge, Fazilka, who vide judgment dated 15.09.2016, 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.

At the very outset, learned counsel appearing for the petitioner contends that the matter stands settled between the parties by way of compromise dated 25.10.2019 (Annexure P-1). The said compromise records the factum of the entire amount having been paid by the petitioner to the respondent-complainant. Thus, a prayer is made for setting aside the judgments and order passed by the courts below and for acquitting the petitioner-accused of the charge framed against him. In support of the said assertions, learned counsel for the petitioner has relied upon the judgment of this Court reported as Jaswinder Singh Vs. State of Punjab and another, 2011(7) R.C.R. (Criminal) 2613.

Learned counsel appearing for respondent No.1 does not

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dispute the aforesaid factual position. However, he states that the petitioner has evaded his arrest and was only arrested on 21.09.2019 to undergo the sentence imposed upon him by the courts below.

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. The petitioner, who is stated to be confined in Central Jail, Ferozepur, shall be released forthwith, if not required in any other case.

Allowed in the above terms.

18.11.2019
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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