

111 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Date of decision-29.10.2019

1. CRR-9857-2018 (O&M)

Baldev Singh

....Petitioner

Vs.

Tarsem Singh

...Respondent

2. CRR-9856-2018 (O&M)

Baldev Singh

....Petitioner

Vs.

Tarsem Singh

...Respondent

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Surinder Garg, Advocate for the petitioner(s).  
Mr. Kanwaljeet Singh, Advocate for  
Mr. I.S.Brar, Advocate for the respondent.

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**MANOJ BAJAJ, J.**

**CRM-26930-2019**

This is an application for seeking permission for allowing the petitioner to compound the offence under Section 147 of Negotiable Instruments Act, 1881 read with Section 482 Cr.P.C and for placing on record compromise (Annexure A-1).

Application is allowed as prayed for.

Annexure A-1 is taken on record.

**Main case**

The above mentioned two revision petitions are being decided

by this common order as they arise from a common judgment dated 01.12.2018 passed by the Appellate Court in cross appeals.

The facts in brief leading to the above revision petition are as under:-

Complainant-Tarsem Singh brought a criminal complaint under Section 138 Negotiable Instruments Act, 1881 against accused Baldev Singh on the ground that a cheque bearing No.574561 dated 26.12.2012 for a sum of Rs.5 lacs drawn at Punjab and Sind Bank, The Mall Faridkot was issued by accused in his favour. Upon presentation, the said cheque had dishonoured because of “insufficient funds” in the account of the account holder. The complainant thereafter, issued the statutory notice of demand, however, despite that the payment was not made by the accused, thereby compelling the complainant to institute the complaint seeking his prosecution for the offence punishable under Section 138 Negotiable Instruments Act, 1881.

Aggrieved against the said judgment of conviction and order of sentence, two separate appeals were preferred by both the parties. Appeal bearing No.CRA-190-2016 was preferred by the complainant for enhancement of sentence whereas the other appeal bearing No.CRA-29-2017 was preferred by the convict questioning the legality of the judgment and prayed for his acquittal. The Appellate Court vide its common decision dated 01.12.2018 proceeded to allow the appeal filed by the complainant for enhancement of sentence/compensation. However, the appeal filed by the convict was dismissed. The convict has preferred the above two revision

petitions to challenge the abovesaid decision of the Appellate Court.

Notice of motion in the petition was issued on 21.12.2018 and further the recovery of compensation amount was also ordered to be stayed. During the pendency of the petition, CRM-26930-2019 was filed on behalf of convict seeking permission of the Court to compound the offence.

Notice of this application was issued to the complainant on 13.09.2019. The compromise arrived at between the parties is annexed with the application as Annexure A-1, which is duly signed by both the parties.

As per the compromise, complainant agreed to receive a sum of Rs.1,50,000/- towards settlement of dues from Baldev Singh. According to the learned counsel for the petitioner, the said payment has been made. This fact is not disputed by learned counsel for the respondent, who further submits that he has no objection to the compounding of offence.

Considering the compromise effected between the parties, the payments made, the prayer for compounding of the offence is accepted and the judgment dated 01.12.2018 passed by Appellate Court affirming the judgment of conviction and order of sentence dated 10.10.2016 passed by the trial Court in a complaint case under Section 138 of Negotiable Instruments Act, 1881 are set aside and the convict is acquitted of the charges.

Disposed off.

**(MANOJ BAJAJ)**  
**JUDGE**

**29.10.2019**

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |