

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 54224 of 2019
Date of Decision: 18.12.2019**

Munish Garg

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ramnish Puri, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. read with Section 147 of the Negotiable Instruments Act, 1881 ('Act' for short) for quashing of complaint No. 3758 dated 17.4.2012 under Section 138 of the Act (Annexure P-1), summoning order dated 17.4.2012 (Annexure P-2) and the judgment dated 19.8.2014 (Annexure P-3) vide which the petitioner was convicted under Section 138 of the Act and all the consequent proceedings arising therefrom on the basis of compromise dated 30.11.2019 (Annexure P-4).

Notice of motion.

Mr. Amit Khari, Advocate has put in appearance on behalf of respondent No. 2 and has filed his power of attorney which is taken on record.

Learned counsel for the petitioner at the outset states that after the conviction, the petitioner-accused has paid the due amount to respondent No. 2-complainant Neeraj Mahajan but inadvertently could not file the appeal against the judgment of conviction and order of sentence

dated 19.8.2014. He further submits that now the parties have entered into

the compromise which was reduced into writing on 30.11.2019 in which it has been mentioned that the petitioner has paid Rs. 7.00 lacs to complainant Neeraj Mahajan and as per the said compromise, the complainant has no objection if the judgment and order dated 19.8.2014 are set aside.

Learned counsel for respondent No. 2 has not disputed the factum of compromise.

Learned counsel for the petitioner has relied upon a judgment of this Court in *Atul Sood and others versus Cholamandlam Investment and Finance Company Limited and others, 2017(2) L.A.R. 212* wherein it has been observed that filing of the petition on the basis of compromise even despite loosing the remedy in hierarchy is maintainable in view of the observations made by Courts in *Cochin Hotel Co. (P) Ltd. and others versus Kairali Granites and others, 2006(2) RCR (Criminal) 333* and *Jaswinder Singh versus State of Punjab and another, 2011 (17) RCR (Criminal) 2613*. The subject matter of the complaint itself has been compounded by way of amicable resolution of controversy, therefore, there should not be any impediment in smooth sailing between the parties.

Accordingly, this petition is allowed. Complaint No. 3758 dated 17.4.2012 under Section 138 of the Act (Annexure P-1) and all the consequential proceedings arising therefrom including the summoning order dated 17.4.2012 (Annexure P-2), are quashed. Resultantly, the judgment of conviction and order of sentence dated 19.8.2014 are also set aside.

(HARNARESH SINGH GILL)
JUDGE

December 18, 2019
Gurpreet

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