IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 214 of 2019
With
I.A. No. 1433 of 2020

Parmeshwar Prasad **.... Petitioner**

Versus

1. The State of Jharkhand
2. Paragon Finance Ltd, H.B. Road Kokar PS Sadar, through its Manager Akhilesh Kumar Verma, son of Dinesh Kumar Verma, resident of New Area, Morabadi, PO & PS Bariatu, District Ranchi **..... Opp. Parties**

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the petitioner :Mr. A.K. Sahani, Advocate
For the State :Mr. Shekhar Sinha, P.P
For the O.P. No.2 :Mr. Lukesh Kumar, Advocate

09/Dated: 10.12.2020

1. This revision has been preferred against the judgment dated 29.01.2019 passed in Criminal Appeal No.230 of 2018 by the learned Judicial Commissioner Ranchi affirming the judgment dated 25.07.2018, passed by learned Judicial Magistrate, 1st Class (IVth) Ranchi, in Complaint Case No.440 of 2016 whereby the petitioner has been found guilty and convicted for the offence under Section 138 of Negotiable Instrument Act and has been sentenced to undergo imprisonment of two years and to pay a fine of Rs.4,25,000/-.

2. Learned counsel for the petitioner has submitted that during the pendency of this revision application, on the intervention of friends, well wishers and relatives, both the parties have amicably settled the matter and entered into an agreement dated 17.10.2020 . In terms of the settlement, the petitioner has deposited Rs.1,00,000/- in the court below and remaining amount of Rs.3,25,000/- has been paid by cheque and demand draft to O.P. No.02.

On the said grounds prayer has been made to quash and set aside the judgments of the courts below.

3. Learned counsel appearing on behalf of the O.P. No.02 has admitted that the petitioner has paid the agreed amount to the O.P. No.02. It is submitted that since the O.P. No.02's grievance has been redressed, he does not want to proceed further with the prosecution of the case.

4. Heard. Considering the fact, that both the parties have amicably settled the matter and the offence under Section 138 of the N.I. Act is compoundable, accordingly the compromise is allowed. In view of the amicable settlement arrived at between the parties, the continuation of further proceeding in the case

will only be an exercise in futility resulting in wastage of time and an abuse of the process of the Court. Thus, in view of the compromise entered into by the parties and for the ends of justice, the judgment dated 29.01.2019 passed in Criminal Appeal No.230 of 2018 by the learned Judicial Commissioner Ranchi, and the judgment dated 25.07.2018 passed by learned Judicial Magistrate, 1st Class (IV th) Ranchi, in Complaint Case No.440 of 2016, are, hereby, set aside.

5. In the result, the petitioner is acquitted of the offence under Section 138 of the N.I. Act in terms of the joint compromise arrived at by the parties. The petitioner is directed to be released forthwith, from the jail custody, if not wanted in any other case..

6. In view of the final order passed in this revision, I.A. No. 1433 of 2020 also stands disposed off.

(AMITAV K. GUPTA, J.)

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