

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-218-2020 (O&M)
Date of Decision:-21.1.2020

M/s Himalya Sales Corporation ... Petitioner

Versus

M/s Singla Synthetics and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. T.S. Chandok, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court challenging order dated 15.1.2020 passed by learned Additional Sessions Judge, Ludhiana, whereby the learned Additional Sessions Judge, Ludhiana, while dismissing his appeal, has affirmed the conviction of the petitioner for offence under Section 138 Negotiable Instruments Act.
2. Today, at the very outset, the learned counsel for the petitioner has submitted that the parties have amicably resolved their issues and infact as against the cheque amount of ₹1,50,308/- the petitioner has already paid an amount of ₹25,000/- and that the complainant has no objection for compounding of the offences and for acquittal of the petitioner.
3. Notice of motion.
4. At this stage, Mr. Ashish Kumar, Advocate has put in appearance on behalf of the complainant and has filed power of attorney, which is taken on record.

He has endorsed the factum of compromise and has submitted that he has no objection for compounding of offences. Ms. Rashmi Attri, Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

5. In view of the aforestated position, the application i.e. CRM-2369 of 2020 under Section 147 of Negotiable Instruments Act, 1881 is accepted and the petitioner is permitted to compound the offences.
6. Consequently, the revision petition is accepted and the judgment/order dated 20.4.2017 passed by learned Judicial Magistrate 1st Class, Ludhiana and judgment dated 15.1.2020 passed by learned Additional Sessions Judge, Ludhiana are hereby set aside and the petitioner is ordered to be acquitted of all the charges framed against him. However, in view of the mandate of Hon'ble the Apex Court in Damodar S. Prabhu Vs. Sayed Babalal H. (2010) 5 SCC 663, the petitioner is directed deposit an amount equivalent to 15% of the cheque amount as costs with the High Court Legal Services Committee, Punjab and Haryana High Court at Chandigarh, within a period of one week from today.

21.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No