

CRR-362-2019

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

**CRR-362-2019 (O & M)
Date of Decision: 26.02.2020**

Sharwan Kumar

... Petitioner

Versus

M/s Premjee & Company through its Proprietor and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Saurabh Savara, Advocate for
Mr. Vipul Dharmani, Advocate,
for the petitioner.

Mr. Sanjay Jain, Advocate,
for respondent No.1.

Mr. Brijesh Sharma, AAG, Haryana.

HARNARESH SINGH GILL, J. (Oral)

This is a revision petition challenging the judgment dated 20.11.2014 passed by the learned Additional Sessions Judge, Ambala, whereby the appeal filed by the petitioner was dismissed and judgment of conviction and order of sentence dated 14.05.2012 passed by the learned Judicial Magistrate Ist Class, Ambala, convicting the petitioner under Section 138 of the Negotiable Instruments Act (for brevity, 'N.I.Act') and sentencing him to undergo rigorous imprisonment for a period of two years and to pay an amount Rs.2,70,000/- to the complainant as compensation, was upheld.

On 29.08.2019, learned counsel for respondent No.1 stated that the complainant was not averse to settle the dispute with the petitioner.

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Thereafter, demand draft No.312017 dated 18.07.2019, amounting to Rs.2,70,000/-, was handed over to complainant-respondent No.1, Prem Chand.

It was also noticed by the Coordinate Bench that as the offence was being sought to be compounded at the stage of revision, the petitioner was required to pay the compounding charges as per the judgment of the Hon'ble Supreme Court rendered in ***Damodar S. Prabhu Vs. Sayed Babala, 2010 AIR (SC) 1907***. However, after considering the submission made by the learned counsel for the petitioner that the petitioner is a driver by occupation, this Court reduced the compounding charges and directed the petitioner to deposit an amount of Rs.15,000/- with the District Legal Services Authority, Ambala.

The affidavit of respondent No.1 regarding no objection for compounding the offence, had also been taken on record, vide order dated 30.10.2019 passed in CRM-32920-2019.

Learned counsel for the petitioner states that in compliance of the order dated 29.08.2019, the petitioner has deposited the amount of Rs.15,000/- with the District Legal Services Authority, Ambala, vide receipt No.095309 dated 02.09.2019. The same is taken on record.

Learned counsel for respondent No.1 submits that respondent No.1 has settled the dispute with the petitioner and, therefore, he has no objection if the offence is compounded and judgments/order of the courts below are set aside.

Keeping in view the settlement between the parties, the compounding of offence is allowed. As a necessary consequence thereof,

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the judgments and order passed by the Courts below are set aside; the petitioner is acquitted of the notice of accusation served upon him and the complaint filed by the complainant is dismissed.

Disposed of in the above terms.

26.02.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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