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

**CRR-558-2020 (O&M)
Date of Decision: 12.03.2020**

Amit Phull

..... Petitioner

Versus

Yograj Chaudhary and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Mikhail Kad, Advocate,
for the petitioner.

Mr. Sumeet Puri, Advocate,
for respondent No.1-complainant.

Mr. Avtar Singh Sidhu, Addl. A.G., Punjab,
for respondent No.2-State.

SUDIP AHLUWALIA J. (ORAL)

[1]. In this petition, the petitioner has prayed for setting aside of judgment of conviction and order of sentence, dated 28.02.2018, passed by the Court below, i.e. Ld. Judicial Magistrate First Class, Sangrur, and the order dated 04.02.2020 of Ld. Additional Sessions Judge, Sangrur, whereby his appeal has been dismissed.

[2]. The petitioner was convicted of the offence under Section 138 of the Negotiable Instruments Act in a complaint case bearing No.17, dated 10.03.2015, and was sentenced accordingly. His appeal against such judgment of conviction was also dismissed. Thereafter, the instant petition has been filed.

[3]. During the pendency of this revision petition, the parties concerned have arrived at compromise.

[4]. Seen Office Report and copy of the receipt No.2007 dated

05.03.2020, showing payment of ₹25,500/-, which is 15% of the disputed cheque amount, is deposited before the Superintendent, High Court, Chandigarh in compliance of the last order. Ld. Counsel has also filed photostat copy of the concerned receipt.

[5]. Complainant/respondent No.2 is represented by his Counsel, who does not oppose the compromise

[6]. Hon'ble Supreme Court in “**Gian Singh Vs. State of Punjab and another**”, 2012(4) RCR (Criminal) 543 and “**Narinder Singh and Others Vs. State of Punjab and Another**”, (2014) 6 SCC 466, has opined that no useful purpose can be served by keeping the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioner/accused.

[7]. In the circumstances and in view of the decisions of the Hon'ble Supreme Court in “**Damodar S. Prabhu Vs. Sayed Babalal H.**”, 2010(5) SCC 663, as also in “**Gulab Das Vs. State of M.P.**”, 2012 (1) R.C.R. (Criminal) 220 and “**Mukesh Kumar Vs. State of Rajasthan**”, 2013 (11) S.C.C. 511, while sustaining conviction of the petitioner for the offence under Section 138 of the Negotiable Instruments Act, the matter is disposed off with a direction that no further sentence needs to be suffered by him nor any fine needs to be paid, apart from the sentence already undergone by him. Complaint case bearing No.17 dated 10.03.2015, and all consequential proceedings arising therefrom, are also hereby quashed on the basis of compromise qua the petitioner.

12.03.2020

Bhumika

1. Whether speaking/reasoned: Yes
2. Whether reportable: No

**(SUDIP AHLUWALIA)
JUDGE**