

**CRM-10566-2020 in
CRM-8007-2020 in/and
CRR-646-2020**

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

(Through Video Conferencing)

**CRM-10566-2020 in
CRM-8007-2020 in/and
CRR-646-2020
Date of Decision: August 07, 2020**

Ashok Kumar

.....Petitioner

Versus

Vikas and another

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Ms.Avneet Brar, Advocate for
Mr.Pratham Sethi, Advocate
for the petitioner.

Mr.Sukhchain Singh, Advocate
for the complainant.

Ms.Harpreet Kaur, AAG, Haryana.

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NIRMALJIT KAUR, J. (ORAL)

The revision petition taken up on Board today itself on
compromise/affidavit filed by the complainant-Vikas.

This revision petition is filed against the order dated 28.01.2019
passed by the learned Judicial Magistrate Ist Class, Sonapat as well as the
order and judgment dated 11.02.2020 vide which appeal of the petitioner
against the order dated 28.01.2019 was dismissed and, thereby upholding the
conviction of the petitioner under Section 138 of the Negotiable Instrument
Act, 1881.

The present revision petition has been filed, inter alia, on

various grounds as also on the ground of compromise/affidavit. The affidavit of complainant- Vikas son of Sh.Jagdish Malik, dated 24.02.2020, has been placed on record as Annexure P-2. Learned counsel representing the complainant-Vikas is also present and verifies that the matter has been compromised. It is further stated by him that he has instructions to say on behalf of the respondent-complainant that the complainant has no objection in case the present revision is allowed and the impugned orders dated 11.02.2020 as well as 28.01.2019 are set aside. As per the said compromise/affidavit, the complainant has received the full and final payment against the amount of cheque and compensation awarded by the Judicial Magistrate Ist Class and other incidental expenses.

This Court has no doubt that the said compromise/affidavit is genuine and, therefore, no useful purpose would be served in sending the petitioner behind bars to undergo the sentence awarded.

In view of the above, the impugned orders dated 11.02.2020 and 28.01.2019 are set aside and the present revision is allowed.

As the present revision petition has since been allowed, CMs are rendered infructuous and disposed of as such.

August 07, 2020
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**(NIRMALJIT KAUR)
JUDGE**

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

**Yes/No
Yes/No**