

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

CRR No. 3865 of 2016 (O&M)

Date of decision: - 20.01.2020

Sombir Singh

...Petitioner

Versus

Karan Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ankur Sidhar, Advocate for
Mr. Rajesh Khandelwal, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

Mr. Sandeep Goyat, Advocate for respondent No. 1.

HARNARESH SINGH GILL, J. (ORAL)

CRM-917-2020

This is an application under Section 482 Cr.P.C. for fixing the main case for some actual date, considering the compromise dated 03.01.2020 (Annexure A-1) effected between the parties.

Notice of motion to A.G. Haryana.

On the asking of this Court, Mr. Rahul Mohan, DAG, Haryana, accepts notice on behalf of the State.

For the reasons mentioned in the application, the same is allowed.

The main case is preponed for today itself and taken up for hearing.

CRR No. 3865 of 2016

Prayer in this revision is for setting aside the impugned judgment dated 17.02.2016 and order of sentence dated 29.02.2016 passed by the learned Judicial Magistrate 1st Class, Loharu and the judgment dated 03.10.2016 passed by the learned Sessions Judge, Bhiwani.

In the present case, the complaint was filed by respondent-complainant -Karan Singh against petitioner-Sombir. As per the complaint, Karan Singh has advanced Rs. 5 lakhs to Sombir without interest. In discharge of his liability, Sombir had issued a cheque No. 422820 dated 26.12.2012 of Rs. 5 lakhs but on 12.01.2013, the cheque was returned by the Bank with the remarks of "Insufficient Funds". The legal notice was issued to Sombir, on 04.02.2013, which was duly acknowledged and hence the complaint was filed by the respondent-complainant.

Learned Judicial Magistrate 1st Class, Loharu, vide judgment/order dated 17.02.2016/29.02.2016 convicted the petitioner-accused for one year and fine of Rs. 2000/- and also to compensate the respondent-complainant for Rs. 5 lakhs.

Thereupon, two appeals were preferred by one by Sombir Singh and another by Karan Singh, before the learned Sessions Judge, Bhiwani, and the appeal of Sombir was dismissed and the appeal of Karan Singh was allowed, vide judgment dated 03.10.2016. The amount of compensation was enhanced from Rs. 5 lakhs to Rs. 6 lakhs.

Hence the present revision petition.

At this stage, learned counsel for the parties states that both the petitioner and respondent No. 1 have entered into a compromise on

03.01.2020. The original compromise has taken on record.

In the compromise, the respondent-complainant has stated that he has no objection, if the conviction order/judgment of the trial Court and the Appellate Court challenged in the present revision are quashed. The aforesaid compromise has been effected with the intervention of village Panchayat and other respectable of the village.

In view of the above, the present petition is allowed. The impugned judgment dated 17.02.2016 and order of sentence dated 29.02.2016 passed by the learned Judicial Magistrate 1st Class, Loharu and the judgment dated 03.10.2016 passed by the learned Sessions Judge, Bhiwani, set aside.

(HARNARESH SINGH GILL)
JUDGE

20.01.2020
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No