

CRR-1462-2019

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

**CRR-1462-2019 (O & M)
Date of Decision: 19.02.2020**

Vinod Kumar

... Petitioner

Versus

Rattan Lal and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Petitioner-in-person with
Mr. Jaswinder Singh Grewal, Advocate.

Respondent No.1-in-person with
Mr. Manu Loona, Advocate.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (Oral)

This is a revision petition challenging the judgment dated 11.03.2019 passed by the learned Additional Sessions Judge, Fazilka, whereby the appeal filed by the petitioner was dismissed and judgment of conviction and order of sentence dated 12.01.2018 passed by the learned Chief Judicial Magistrate, Fazilka, 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 a fine of Rs.5000/-, and in default of payment fine, to further undergo rigorous imprisonment for a period of 15 days, was upheld.

A Coordinate Bench, on 30.08.2019, passed the following

order:

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“The petitioner has challenged the judgments and orders of the Courts below whereby he has been convicted for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881 and has been sentenced to undergo rigorous imprisonment for two years and pay a fine of Rs.5,000/-.

*Learned counsel for the petitioner contends that a cheque issued by the petitioner for an amount of Rs.3,25,000/- on 20.02.2010 in favour of respondent No.1 had been dishonoured due to insufficient funds. Learned counsel also contends that the petitioner is ready to return the cheque amount along with reasonable interest thereon and the offence could be compounded in terms of the judgment of the Supreme Court in case of **Damodar S. Prabhu vs. Sayed Babalal H., 2010 (5) SCC 663.***

Issue notice to the respondent, returnable on 13.09.2019.”

On 31.01.2020, the petitioner through his counsel handed over Rs.1 lakh in cash to the learned counsel for respondent No.1 in the Court.

Today also, the petitioner and respondent No.1 are present in the Court and have been identified by their respective counsel. The petitioner has handed over Rs.2,30,000/- in cash to respondent No.1, which has been accepted by him. Thus, a total sum of Rs.3,30,000/- has been paid to respondent No.1-complainant.

At this stage, learned counsel for the petitioner submits that the petitioner has made the amount of Rs.3,30,000/- i.e. beyond the cheque amount, and therefore, he prays that the petitioner may be permitted to compound the offence.

Learned counsel for respondent No.1 submits that respondent

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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.

So far as offence under Section 138 of the N.I.Act is concerned, even the N.I.Act permits the compounding of offence at any stage.

Keeping in view the fact that compromise has been arrived at between the parties, the necessary permission for compounding the offence under Section 138 of the N.I.Act, for which the petitioner was convicted and sentenced by the courts below, is granted. As a result thereof, the judgment of conviction and order of sentence dated 12.01.2018, under Section 138 of the Negotiable Instruments Act, passed by the learned Chief Judicial Magistrate, Fazilka, in a criminal complaint No.111-2 of 17.05.2010/31.05.2014, and the judgment dated 11.03.2019 passed by the learned Additional Sessions Judge, Fazilka, are set aside and the petitioner stands acquitted of the notice of accusation served upon him, and the criminal complaint No.111-2 of 17.05.2010/31.05.2014, filed by respondent No.1 stands dismissed.

Disposed of.

19.02.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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