

CRR-679-2018

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

**CRR-679-2018 (O & M)
Date of Decision: 05.03.2020**

Krishan Kumar (RMP doctor)

... Petitioner

Versus

Ashok Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Arpandeeep Narula, Advocate,
for the petitioner.

Mr. Tarun Sharma, Advocate for
Mr. Ajay Kamboj, Advocate,
for the respondent.

HARNARESH SINGH GILL, J. (Oral)

This is a revision petition challenging the judgment dated 06.01.2018 passed by the learned Additional Sessions Judge, Sirsa, whereby the appeal filed by the petitioner was dismissed and judgment of conviction dated 11.07.2016 and order of sentence dated 13.07.2016 passed by the learned Judicial Magistrate Ist Class, Dabwali, convicting the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/-, was upheld.

On 05.04.2018, since the petitioner was ready to settle the dispute by making payment of entire dues to the respondent-complainant, he was directed to bring the entire amount alongwith 15% of the cheque amount as per the law laid down in Damodar S. Prabhu Vs. Sayed Babalal H., 2010 (2) RCR (Criminal) 851.

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On 22.05.2018, learned counsel for the petitioner stated that the due amount of respondent had already been paid.

Learned counsel for the respondent states that compromise has already been effected between the parties and the respondent has received the entire amount. He further states that he has no objection, if the offence is compounded and the petitioner is acquitted of the notice of accusation while setting aside the impugned judgments and order passed by the courts below.

Learned counsel for the petitioner states that in deference to the order dated 05.04.2018 passed by a Coordinate Bench, the petitioner has deposited an amount of Rs.7,500/- i.e. 15% of the cheque amount, with the Haryana State Legal Services Authority, vide receipt No.0002092 dated 12.11.2018. Photocopy of the same is taken on record.

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

05.03.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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