

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

1. CRM-1241-2020 in/and
CRR-1758-2019
Date of decision : 05.02.2020

Shamsher Singh ...Petitioner

Versus

Amarjit Singh and another ...Respondents

2. CRM-1213-2020 in/and
CRR-1908-2019
Date of decision : 05.02.2020

Shamsher Singh ...Petitioner

Versus

Amarjit Singh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aashish Gupta, Advocate for the applicant/petitioner.

Mr. Barjinder Singh, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

CRM-1241-2020 in CRR-1758-2019
CRM-1213-2020 in CRR-1908-2019

Prayer in the applications is to recall the order dated 19.12.2019 disposing of criminal revision petitions bearing CRR-1758-2019 and CRR-1908-2019.

The aforesaid revision petitions were dismissed, after noting that the counsel for the petitioner after availing numerous opportunities to pay the amount had pleaded that he has no instructions. It may be noted

that before the trial Court, the complainant had admitted his liability. Before this Court also, the petitioner undertook to pay the amount within 1 ½ months as recorded in the order dated 01.11.2019 but did not pay.

The present applications have been filed with a deed of compromise Annexure A-3. It is being claimed that the parties have now settled their dispute.

Mr. Barjinder Singh, Advocate has put in appearance on behalf of respondent No.1 and admit the correctness of the aforesaid settlement. He submits that he has no objection if the order dated 19.12.2019 is recalled and offence under Section 138 of the Negotiable Instruments Act, is permitted to be compounded.

Keeping in view the aforesaid facts, order dated 19.12.2019 is recalled.

Both the applications are allowed.

The main criminal revisions bearing CRR-1758-2019 and CRR-1908-2019 are taken on Board today itself.

Main cases

In terms of settlement arrived at between the parties, correctness whereof is not disputed by the respondent, offence is permitted to be compounded subject to encashment of postdated cheque dated 30.04.2020 for an amount of ₹3,60,000/-.

In view of the above, both the criminal revision petitions are disposed of.

If the post dated cheque handed over to the respondent is

dishonoured for non-payment and the petitioner does not pay the amount in spite of demand, the present criminal revision petitions shall be deemed to have been dismissed with costs of ₹50,000/-. The petitioner shall be released from the custody forthwith, if not required in any other case.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid order.

05.02.2020
Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**