

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

CRR NO.5023 of 2018 (O&M)

Date of decision:28.08.2020

Suraj Bhan

...Petitioner

Versus

State of Haryana and anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vivek Gupta, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Sunny Bhardwaj, Advocate
for respondent No. 2.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-20734 of 2020:-

This is an application under Section 482 Cr.P.C. for preponement of the main case which is fixed for 27.11.2020.

Notice of the application.

Mr. Sunny Bhardwaj, Advocate accepts notice on behalf of the respondent No. 2 and submits that he has no objection if the present application is allowed.

In view of the above, the present application is allowed and the revision petition is preponed for today itself and taken up on board for hearing.

Main Case:-

This is a revision petition challenging the judgment dated

04.12.2018, passed by the learned Additional Sessions Judge, Hisar, whereby appeal filed by the petitioner was dismissed and judgment of conviction/order of sentence dated 12.09.2017 passed by the learned Judicial Magistrate 1st Class, Hisar, convicting the petitioner under Section 138 of the Negotiable Instruments Act 1881 and sentencing him to undergo rigorous imprisonment for a period of 1 year and pay the compensation of Rs.18,00,000/- was upheld.

Learned counsel for the petitioner states that now the compromise has been effected between the parties vide compromise deed dated 07.07.2020 (Annexure-P1). As per the compromise, the disputed amount has been paid to the complainant-respondent No.2 and the amount of Rs.1,50,000/- has been deposited in the trial Court and, therefore, he prays for compounding of the offence as per law laid down in Damodar S. Prabhu Vs. Sayed Babalal H., 2010 (2) RCR (Criminal) 851.

Per contra, learned counsel for the respondent No. 2 does not dispute the factum of compromise effected between the parties. 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 orders passed by the Courts below.

Keeping in view the settlement of the parties, the compounding of offence is allowed and as a necessary consequence thereof the judgments and orders passed by the Courts below are set aside; the petitioner is acquitted of the notice of accusation served upon him; the complaint filed by the complainant is dismissed subject to depositing of 15% of the disputed cheque i.e. Rs. 2,70,000/- (two lacs seventy thousand), with the Haryana State Legal Service Authority as costs. It is made clear that if the petitioner fails to deposit the aforesaid costs, the

present petition shall stand dismissed and the judgments and orders passed by the Courts below will become operative.

Disposed of in the above terms.

The amount of Rs. 1.50 lacs deposited by the petitioner in the trial Court will be withdrawn by the complainant by moving an appropriate application.

(HARNARESH SINGH GILL)
JUDGE

28.08.2020

Mehak/Sangeeta

Whether reasoned/speaking?	Yes
Whether reportable?	No