

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-134-2021 (O&M)
Date of decision : 26.03.2021

Puran

.... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

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

AMOL RATTAN SINGH, J (ORAL)

On 26.02.2021, the following order had been passed:-

“ **CRM-5338-2021**

Case heard via video conferencing.

By this application, the applicant-petitioner in the accompanying petition seeks to place on record Annexures P-2 to P-4 which are seen to be receipts dated 12.02.2021, 15.02.2021 and 17.02.2021, issued by the HDFC Bank, for amounts of Rs. 3,15,000/-, 3,35,000/- and 6,50,000/- respectively, with learned counsel submitting that upon payment of the aforesaid total amount of Rs. 13,00,000/-, nothing remains outstanding and as a matter of fact the entire amount of the cheques in question stands paid.

Since notice is still to be issued in the accompanying petition, no notice is required to be issued in this application at this stage.

Consequently, the application is allowed subject to all just exceptions and the copies of the aforesaid receipts are ordered to be taken on record as Annexures P-2 to P-4 with the accompanying petition, with counsel for the applicant-petitioner to also supply photocopies of the original alongwith.

CRR No. 134-2021

Learned counsel for the petitioner submits that in fact the dispute having been settled between the parties, the petitioner deserves to be acquitted as the offences are compoundable in terms of Section 147 of the Negotiable Instruments Act, 1881.

Notice of motion.

On the asking of the court, Mr. B.S. Virk, D.A.G., Haryana, accepts notice on behalf of respondent no.1.

A copy of the petition be emailed to him by learned counsel for the petitioner today itself.

Adjourned to 04.03.2021.

Respondent no. 2 be served by way of dasti process only by the next date of hearing.

To be shown in the urgent motion list.

CRM-4089-2021

To be taken up on the next date of hearing, along with the main petition, upon an appearance put in by or on behalf of respondent no. 2.”

Today learned counsel for respondent No. 2 submits that as a matter of fact the entire dues of the bank have been cleared by the petitioner and therefore, the bank has no objection if the conviction is set aside and the complaint itself being quashed.

That being so an affidavit of the Branch Manager of the bank concerned be filed in the court, to that effect.

Adjourned to 26.03.2021.

To be shown in the Urgent Motion list.

In view of the above, till the next date of hearing, the sentence imposed on the petitioner by the Courts below is ordered to be suspended, on his furnishing bail bonds in the sum of Rs.10,000/-, with one surety in the like amount, to the satisfaction of the trial court/Duty Magistrate concerned.

In the meanwhile, the Branch Manager of the bank concerned would also record a statement in respect of the compromise reached between the parties before the learned Area Magistrate/Duty Magistrate concerned, upto 15.03.2021, with a report in that respect to be sent by the learned Magistrate to this Court before the next date of hearing.”

On 04.03.2021, the following order had been passed:-

“ Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 401 Cr.P.C., the petitioner seeks to challenge the judgment dated 28.01.2021, passed by the learned Additional Sessions Judge, Hisar, dismissing the appeal preferred by the petitioner against the judgment of conviction and order of sentence, dated 20.02.2018, passed by the learned Judicial Magistrate Ist Class, Hisar, sentencing the petitioner to undergo simple imprisonment for a period of one year and to pay compensation of Rs.8,75,000/- to the complainant, for the commission of an offence punishable under Section 138 of the Negotiable Instruments Act.”

Today, an affidavit dated in fact 04.03.2021 itself, has been filed on behalf of respondent No.2, i.e. the HDFC Bank, by its Assistant Legal Manager (Agri), stating to the effect that in consequence of the

compromise reached between the bank and the petitioner, an amount of Rs.13 lakhs has been recovered as a one time settlement amount and the accounts of the petitioner stands closed, with the bank no longer wanting to pursue the matter and it having no objection, if the matter is compounded.

That being so, the matter having now been settled between the accused and the complainant and the offence being a compoundable one in terms of Section 147 of the Negotiable Instruments Act, 1881, the matter is allowed to be compounded even at this stage after the conviction of the petitioner and the complainant itself against the petitioner, instituted thereof, is ordered to be quashed.

**(AMOL RATTAN SINGH)
JUDGE**

26.03.2021
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No