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

CRR No. 226 of 2021
Date of Decision: 29.07.2021

Baljinder Singh

-Petitioner

Versus

Sandeep Kumar and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jaswinder Singh Grewal, Advocate,
for the petitioner.

Mr. Piyush Sharma, Advocate,
for respondent No.1.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

This is a revision petition against judgment of conviction and order of sentence passed under Section 138 of Negotiable Instruments Act by both the Courts below.

Learned counsel for the petitioner submits that cheque amount of Rs.1 lac has already been paid to complainant-respondent No.1 in terms of compromise and therefore, revision petition be decided in terms of compromise as offence under Section 138 of Negotiable Instruments Act is

compoundable in view of Section 147 of the Act.

Learned counsel for respondent No.1 has admitted the factum of aforesaid payment and states that the parties have amicably resolved their controversy and cheque amount of Rs.1 lac has been received by complainant-respondent No.1.

I have considered the submissions made by learned counsel for the parties.

In view of ratio laid down in **Kaushalya Devi Massand vs. Roopkishore Khore, 2011(2) RCR (Criminal) 298** and **Damodar S. Prabhu vs. Sayed Babalal, AIR 2010 (SC) 1097**, the revisional jurisdiction of the High Court in terms of Section 401 Cr.P.C can be exercised in order to meet ends of justice. The revisional power can be exercised in consonance with the spirit of Section 147 of the Act. The Hon'ble Apex Court has also clarified that in order to discourage chronic litigants from delaying the composition of the offence under Section 138 of the Act, the scheme for imposing costs is considered to be a valid means to encourage compounding at the earliest and valuable time of the Court can be saved. The imposition of costs would be a matter of discretion of the Court.

In view of statement of fact made by learned counsel for the parties at the bar, I deem it appropriate to dispose of the present revision petition. Petitioner would however pay 15% of

the cheque amount towards cost(s) of litigation within one month. This is so in view of circumstances in which the litigation was fought before the Courts below.

Learned State counsel, however, has no strong opposition as the offence is primarily relating to offence under Section 138 of Negotiable Instruments Act and both the parties have compromised the issue.

For the reasons recorded hereinabove, impugned judgments of conviction and sentence are set aside. Petition is allowed in terms of compromise. Petitioner is permitted to compound the offence in terms of Section 147 of the Act. Petitioner undertakes to deposit 15% of the cheque amount with the trial Court within one month and present decision would be subject to the aforesaid tender.

Normal consequences to follow.

July 29, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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