

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRR-580-2020 (O&M)

Date of decision: - 27.10.2021

Harmeet Kumar alias Harish Kumar

....Petitioner

Versus

Rajesh Kumar

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sandeep Jasuja, Advocate,  
for the petitioner.

Mr. Saksham Arora, Advcoate  
for the respondent.

( Through Video Conferencing )

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HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-7046-2020

Application is allowed, as prayed for.

CRR-580-2020 (O&M)

In the present criminal revision petition, the challenge is to order dated 22.08.2017, passed by the learned Sub Divisional Judicial Magistrate, Jalalabad, by which, the petitioner was convicted for violating the provisions of the Negotiable Instruments Act, 1881 and was sentenced to undergo rigorous imprisonment for a period of nine months and was also directed to pay a compensation of Rs.1,50,000/- and also to order

dated 06.11.2019, passed by the learned Additional Sessions Judge, Fazilka, by which, the appeal of the petitioner against the order of conviction was dismissed.

Learned counsel for the petitioner submits that now the parties have already compromised their disputes, vide compromise dated 13.02.2020 (Annexure P-1) and the petitioner has already discharged the claim of the respondent to his satisfaction. Learned counsel for the petitioner further submits that as the petitioner has discharged his liability to the satisfaction of the respondent, the conviction ordered by the Court below may kindly be re-considered, keeping in view the facts and circumstances that exists as of now. Learned counsel for the petitioner prays that his oral prayer for compounding the offence may kindly be accepted.

Learned counsel for the respondent concedes that the parties have compromised their disputes and the claim of the respondent has been satisfied and no further grievance of the respondent remains. Learned counsel for the respondent submits that the respondent has no objection in case the offence is compounded, as being prayed by the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As per Section 320(6) of the Cr.P.C, the High Court or the Court of Sessions, as the case may be, even while exercising the powers of revision as envisaged under Section 401 of Cr.P.C can compound the offence. In the present case, it is not disputed by the respondent that the offence, for which, the petitioner has been charged and convicted is

compoundable. Once, the parties have amicably resolved their dispute and the respondent has already stated before this Court that the petitioner has discharged his liability to his satisfaction and the learned Counsel appearing for the respondent raises no objection to the prayer of the petitioner for compounding the offence, it is a fit case, where this Court needs to exercise the jurisdiction of compounding of offence. Accordingly, keeping in view the facts and circumstances noticed hereinbefore, the present revision petition is accepted and the offence, for which, the petitioner is charged is compounded and the judgment dated 22.08.2017, passed by the learned Sub Divisional Judicial Magistrate, 1<sup>st</sup> Class, Jalalabad and judgment dated 06.11.2019, passed by the learned Additional Sessions Judge, Fazilka are set aside and the accused is ordered to be acquitted, , subject to the cost of Rs.10,000/- to be paid by the petitioner in Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No.014894600000970, SCO-151-152, Sector 9-C, Chandigarh or A/c No.100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch.

**CRM-7047-2020**

Application stands disposed of keeping in view the order passed in the main criminal revision petition.

**October 27, 2021**

naresh.k

**( HARSIMRAN SINGH SETHI )****JUDGE**

Whether reasoned/speaking?

Yes

Whether reportable?

No