

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(230)

CRR No. 300 of 2021 (O&M)
Date of Decision : 02.12.2021

Satish Chand

...Petitioner

Versus

State of Haryana and another

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. S.K. Tripathi, Advocate for respondent No. 2/complainant.

Harsimran Singh Sethi J. (Oral)

CRM-26975-2021

As the main case is listed for today, application has become infructuous.

CRM-26976-2021

Present application has been filed to place on record affidavit dated 06.08.2021 as Annexure P-4 as well as exemption from filing certified copy of the same.

The application is allowed and affidavit dated 06.08.2021 as Annexure P-4 is taken on record.

CRM-10820-2021

Present application has been filed to place on record documents as Annexures P-1 to P-3.

The application is allowed and documents as Annexures P-1 to

P-3 are taken on record.

CRM No. 8166 of 2021

Application is allowed, as prayed for.

CRR No. 300 of 2021 (O&M)

Learned counsel for the petitioner submits that though the present revision petition has been filed challenging the order dated 11.12.2019 passed by the learned Judicial Magistrate Ist Class, Faridabad, convicting the petitioner of the allegations as well as order dated 03.03.2021 passed by the learned Sessions Judge, Faridabad upholding the said conviction but during the pendency of the present revision petition, the parties have settled their dispute. Learned counsel for the petitioner submits that the complainant had filed complaint under Section 138 of the Negotiable Instruments Act, 1881 and now, as the amount required to be paid to the complainant, has been paid to him to his entire satisfaction, on the oral request of the petitioner, the allegation/charge may kindly be compounded.

Learned counsel appearing on behalf of respondent No. 2/complainant submits that claim of respondent No. 2/complainant has already been satisfied to his entire satisfaction and, therefore, he has no objection in case, the charge alleged against the petitioner is compounded.

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

respondent has already stated before this Court that his claim has been satisfied to his entire 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 of this case noticed hereinbefore, the present revision petition is accepted and the offence, for which, the petitioner is charged and convicted, is compounded and the judgment dated 11.12.2019 passed by the learned Judicial Magistrate Ist Class, Faridabad, convicting the petitioner of the allegations as well as order dated 03.03.2021 passed by the learned Sessions Judge, Faridabad are set aside and the accused is ordered to be acquitted.

Learned counsel for the petitioner submits that vide order dated 21.09.2021, the petitioner was directed to deposit Rs. 1,50,000/- as compounding fee with the High Court Legal Services Authority. Learned counsel submits that a draft has already been prepared for the said amount and the same will be deposited within a period of 7 days from today.

Let the petitioner file an affidavit to the said effect after depositing the draft.

CRM-8167 of 2021

Application has become infructuous keeping in view the order passed in the main criminal revision petition.

December 02, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes