

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

223

**CRR-593 of 2019 (O&M)
Date of Decision: 14.01.2021**

M/s Vertex Control

..... Petitioner

Versus

M/s Indo Overseas Marketing and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Varun Baanth, Advocate,
for the petitioner.

Mr. Nipun Verma, Advocate,
for respondent no.1.

Mr. Surender Singh, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

By this revision petition, the petitioner seeks the setting aside of the impugned judgment dated 15.02.2019 passed by the learned Addl. Sessions Judge, Faridabad, whereby the appeal filed by the petitioner against the judgment dated 08.08.2018, passed by the learned JMIC, Faridabad, vide which he has been convicted and sentenced to undergo simple imprisonment for six months and to pay compensation to the tune of Rs.5,00,000/- to the complainant, for the commission of an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, has been dismissed.

Learned counsel for the petitioner submits that the matter has been compromised with the complainant who had instituted the complaint under the provisions of Section 138 of the Negotiable Instruments Act, 1881, the offence itself should be compounded, with him also having deposited 15% of the amount of the cheque in question with the High Court Legal Services Committee, in terms of the order dated March 02, 2020.

He points to CRM-8377 of 2019, alongwith which a copy of a demand draft has been annexed, bearing no.651866 dated 11.09.2020, for an amount of Rs.54,000/- in favour of the Punjab and Haryana High Court Legal Service Committee.

Notice of motion having been issued in this petition, Mr. Nipun Verma, Advocate, appears for the respondent-complainant and does not deny the factum of the matter having been settled between the parties.

That being so, this petition is allowed, with the dispute in the complaint ordered to be compounded in terms of Section 147 of the Negotiable Instruments Act, 1881, read with the judgments of the Supreme Court in **Damodar S. Prabhu v. Sayed Babalal H. (2010) 5 SCC 663** and **M/s Meters and Instruments Private Limited and another v. Kanchan Mehta (2017) 4 RCR (Criminal) 476.**

Consequently, the impugned judgments dated 15.02.2019 passed by the learned Addl. Sessions Judge, Faridabad, as also the judgment dated 08.08.2018 passed by the learned JMIC, Faridabad, vide which the petitioner has been convicted and sentenced to undergo simple imprisonment for six months and to pay compensation to the tune of Rs.5,00,000/- to the complainant for the commission of an offence punishable under Section 138 of the Negotiable

Instruments Act, 1881, are set aside.

January 14, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No