

234

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

CRR-409-2021 (O&M)

Date of Decision: 02.08.2021

Ashok Kumar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Suneel Sharma, Advocate, for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.
None for respondent No.2/complainant

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner has prayed for setting aside of judgment of conviction and order of sentence, dated 28.09.2018, passed by the Court below, i.e. Judicial Magistrate Ist Class, Panchkula, and the order dated 26.02.2021 passed by Ld. Additional Sessions Judge, Panchkula, whereby his appeal has been dismissed.

2. The petitioner was convicted of the offence under Section 138 of the Negotiable Instruments Act in NACT No.275 of 2016, and was sentenced accordingly. His appeal against such judgment of conviction was also dismissed. Thereafter, the instant petition has been filed.

3. During the pendency of this revision petition, the parties concerned have arrived at a settlement, which fact has already been noted in the order dated 06.04.2021.

4. Seen Office Report, in which it is mentioned that the petitioner has deposited the requisite amount of ₹11,723/- which is equivalent to 15% of

the original cheque amount as compounding fees in terms of the earlier order dated 06.04.2021. Ld. Counsel for the petitioner has also filed through e-mail photostat copies of the concerned receipts; Be kept on record.

5. No one has put in appearance on behalf of respondent No.2/complainant to oppose the compromise.

6. Hon'ble Supreme Court in "*Gian Singh Vs. State of Punjab and another*", 2012(4) RCR (Criminal) 543 and "*Narinder Singh and Others Vs. State of Punjab and Another*", (2014) 6 SCC 466, has opined that no useful purpose can be served by keeping the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioner/accused.

7. In the circumstances and in view of the decisions of the Hon'ble Supreme Court in "*Damodar S.Prabhu Vs. Sayed Babalal H.*", 2010(5) SCC 663, as also in "*Gulab Das Vs. State of M.P.*", 2012 (1) R.C.R. (Criminal) 220 and "*Mukesh Kumar Vs. State of Rajasthan*", 2013 (11) S.C.C. 511, while sustaining conviction of the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act, the matter is disposed off, along with the pending application(s) if any, with a direction that no further sentence needs to be suffered by him nor any fine needs to be paid, apart from the sentence already undergone by him. NACT No.275 of 2016, and all consequential proceedings arising therefrom, are also hereby quashed on the basis of compromise qua the present petitioner.

02.08.2021

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No