

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

**CRR No.444 of 2021 (O&M)
Date of Decision : 26.07.2021**

Raj Kumar Monga

.....Petitioner

Versus

Asha Rani

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. M.S. Uppal, Advocate
for the Petitioner.

Mr. Arun K. Sharma, Advocate
for the Respondent.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the Petitioner has prayed for setting aside of judgment of conviction and order of sentence, dated 05.01.2016, passed by the Ld. SDJM, Budhlada and also the Judgment dated 17.03.2021 of the Ld. Additional Sessions Judge, Mansa, whereby his appeal has been dismissed.

[2]. The Petitioner was convicted of the offence under Section 138 of the Negotiable Instruments Act in Complaint File No.76 of 2013, 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 vide Compromise Deed dated 31.03.2021, placed on record by way of CRM-11239-2021.

[4]. Seen Office Report in which it is mentioned that the petitioner has deposited the requisite amount of Rs.27,750/- which is equivalent to 15% of the original cheque amount as compounding fees in terms of the

earlier order dated 8th April, 2021. Ld. Counsel has also filed photostat copy of the concerned receipt.

[4]. Ld. Counsel appearing for the Respondent/Complainant does not oppose the compromise.

[5]. 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.

[6]. 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 offences under Sections 138 of the Negotiable Instruments Act, the matter is disposed off 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. Complaint case bearing File No.76 of 2013, and all consequential proceedings arising therefrom, are also hereby set aside/quashed on the basis of compromise *qua* the present Petitioner.

July 26, 2021

Dpr

(SUDIP AHLUWALIA)
JUDGE

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