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

CRR-582-2021 (O&M)

Date of Decision: 16.08.2021

Mohinder Singh

..... Petitioner

Versus

New Nabha Feed Store, Malerkotla Road, Nabha

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. J.S. Bhinder, Advocate,
for the petitioner.

Mr. J.S. Moudgill, Advocate,
for the respondent/complainant.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner has prayed for setting aside of judgment of conviction and order of sentence, dated 09.02.2018, passed by the Court below, i.e. Judicial Magistrate Ist Class, Nabha, and the order dated 08.04.2021 passed by Ld. Additional Sessions Judge, Patiala, whereby his appeal has been dismissed.

2. The petitioner was convicted of the offence under Section 138 of the Negotiable Instruments Act in Complaint No.COMA/945/2015 dated 12.08.2015, 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 as per the Compromise Deed

(Annexure P-1).

4. Seen Office Report, in which it transpires that the petitioner has deposited the Compounding Fee amounting to Rs.91,010/-, which is 15% of the original cheque amount. A photostat copy of the concerned receipt has also been placed on record.

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 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. Complaint No.COMA/945/2015 dated 12.08.2015, and all consequential proceedings arising therefrom, are also hereby quashed on the basis of compromise qua the present petitioner.

16.08.2021

Apurva

(SUDIP AHLUWALIA)
JUDGE

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