

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

(221)

**CRR No. 1419 of 2019 (O&M)
Date of Decision : 14.09.2021**

Som Pal

...Petitioner

Versus

Suresh Pal

...Respondent

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Gupta, Advocate for
Mr. Ankit Aggarwal, Advocate for the petitioner.

Mr. Gaurav, Advocate for
Mr. Amit Chaudhary, Advocate for the respondent.

Harsimran Singh Sethi J. (Oral)

Though, the present revision petition has been filed impugning the order dated 27/29.01.2014 passed by the learned trial Court by which the petitioner has been convicted as well as the order dated 11.04.2017 passed by the lower Appellate Court by which the appeal filed by the petitioner against the conviction has been dismissed but learned counsel for the petitioner submits that the petitioner has already compromised the dispute with the respondent and a payment of Rs. 2,25,000/- as full and final settlement has been made to the respondent. On 17.06.2019, the following order was passed by a Co-ordinate Bench of this Court :-

“CRM-18822-2019

There is a delay of 690 days in preferring the revision petition.

Learned counsel for the petitioner contends that the petitioner is a poor labourer and the sole bread earner of his family. He was not aware of the dismissal of the appeal. He also contends that the matter has been compromised with the respondent and the petitioner has paid a sum of Rs.2,25,000/- in full and final settlement to the respondent.

Issue notice to the respondent.

Mr. Amit Chaudhary, Advocate has put in appearance on behalf of the respondent and states that the matter has indeed been compromised and he has no objection if the delay of 690 days in filing the revision petition is condoned.

Keeping in view of the aforesaid reasons, the application is allowed and the delay of 690 days in preferring the revision petition is condoned.

MAIN CASE

The petitioner has challenged the judgments of the Courts below whereby he has been convicted under Section 138 of the Negotiable Instruments Act (hereinafter referred to as ‘the Act’) and sentenced to undergo rigorous imprisonment for a period of 1 year and to pay compensation of Rs.2,25,000/-, in default of payment of compensation, to further undergo rigorous imprisonment for 3 months.

Learned counsel for the petitioner contends that the allegations against the petitioner are that the cheque issued by him for a sum of Rs.2 lakh was dishonoured on 20.11.2009. He further contends that the matter has now been compromised and the petitioner has paid a sum of Rs.2,25,000/- to the complainant on 22.05.2019 in full and final settlement.

Issue notice to the respondent.

Mr. Amit Chaudhary, Advocate has put in appearance on

behalf of the complainant and states that the matter has indeed been compromised.

List on 02.08.2019.

In the meantime, the sentence of the petitioner shall remain suspended till the next date of hearing. He shall be released on bail subject to his furnishing bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.”

Learned counsel for the petitioner submits that once the parties have compromised their dispute amicably and full and final settlement to the satisfaction of the respondent has already been made, the offence of the petitioner, which is compoundable may kindly be compounded and conviction of the petitioner may kindly be set-aside.

Learned counsel appearing on behalf of the respondent submits that as the petitioner has already discharged his liability to the satisfaction of the respondent, respondent has no objection in case the offence of the petitioner is compounded and he is acquitted.

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 the respondent has already stated before this Court that the petitioner has discharged his liability to his 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 noticed hereinbefore, the present revision petition is accepted and the offence, for which the petitioner is charged, is compounded and the judgment dated 27/29.01.2014 passed by the Judicial Magistrate 1st Class, Jagadhari and judgment dated 11.04.2017 passed by the Additional Sessions Judge, Yamuna Nagar at Jagadhari are set aside and the accused is ordered to be acquitted.

CRM No. 18825 of 2019

Application stands disposed of keeping in view the order passed in the main criminal revision petition.

September 14, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No