

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

210

CRR-1173-2020 (O&M)
Date of decision : 26.11.2021

Daljit Singh

Petitioner

V/S

State of Punjab and another

Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Gagandeep Singh Mankur, Advocate
for the petitioner.

Mr. C.L. Pawar, Senior Deputy Advocate General, Punjab
for respondent No.1-State.

Mr. Harjinder Singh, Advocate for
Mr. Avtar Singh Khinda, Advocate
for respondent No.2/complainant.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present revision petition for setting aside judgment dated 19.07.2019 of the First Appellate Court, affirming judgment of conviction and order of sentence dated 06.09.2018 of the trial Court, holding him guilty under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the N.I. Act') and sentencing to undergo rigorous imprisonment for two years and pay Rs.5,000/- as fine.

Learned counsel for the petitioner submits that parties amicably settled the matter and nothing remains to be paid by the petitioner to respondent No.2. No useful purpose would be served by keeping the petitioner behind bars any more. The amount of Rs.45,000/- (15% of the cheque amount) was already deposited with the Punjab State Legal Services Authority on 03.09.2021. The offence is

compoundable, therefore, application bearing No.CRM-10517-2021 has been filed for compounding the offence which may be allowed.

Learned counsel for respondent No.2-complainant admits the factum of compromise and the complainant has received the full and final amount. Now, nothing is due towards the petitioner. He submits that he has no objection if the offence is compounded and revision petition is decided on the basis of compromise as he does not want to proceed with the case anymore.

Apparently, both the parties settled the dispute amicably by way of compromise.

In view of ratio laid down in ***Kaushalya Devi Massand Vs. Roopkishore Khore : 2011(2) RCR (Criminal) 298 and Damodar S. Prabhu Vs. Sayed Babalal, AIR 2010 (SC) 1097***, the revisional jurisdiction of the High Court in terms of Section 401 Cr.P.C can be exercised, which would result in bringing the ends of justice between the parties. These powers would also be in consonance with the spirit of Section 147 of the N.I. Act.

Section 147 of the N.I. Act does not contain any guideline or procedure for proceeding with the compounding of the offences. Since scheme under Section 320 Cr.P.C cannot be followed in stricto sensu, therefore, Hon'ble Apex Court has also clarified that in order to discourage chronic litigants from delaying the composition of the offence under Section 138 of the Act, the scheme for imposing costs is considered to be a valid means to encourage compounding at the earliest. Valuable time of the Court is also involved in the trial of the cases and the parties are not liable to pay any Court fee in such

proceedings, even though the impact of the offence is largely confined to the private parties.

In view of above, impugned judgments/order(s) are set aside. Petitioner is allowed to compound the offence in terms of Section 147 of the Negotiable Instruments Act. This criminal revision is allowed in terms of compromise.

Pending application, if any, stands disposed of accordingly

26.11.2021

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No