

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103)

CRR No. 998 of 2021 (O&M)
Date of Decision : 27.10.2021

Darshan Singh

...Petitioner

Versus

Deepak Kumar Vij and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.S. Jammu, Advocate for the petitioner.

Ms. Rinky Gupta, Advocate for respondent No. 1/complainant.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CRM-34692-2021

Present application has been filed to place on record documents as Annexures P-1 and P-2 and for seeking exemption from filing certified copies of the same.

The application is allowed and documents as Annexures P-1 and P-2 are taken on record.

CRM-35858-2021

Present application has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking compounding of offence.

Learned counsel for the petitioner submits that the matter has been compromised between the parties on 01.10.2021, a copy of which has

been attached as Annexure P-1 with the petition.

Notice of the application to the counsel opposite.

Ms. Rinky Gupta, who is appearing on behalf of respondent No. 1, accepts notice on behalf of respondent No. 1 and Mr. Gaurav Bansal, AAG, Haryana, who is appearing on behalf of respondent No. 2, accepts notice on behalf of the respondent-State respectively. Learned counsel for respondent No. 1 submits that though the petitioner has already been convicted by the Courts below but now, the petitioner has entered into a compromise with respondent No. 1 and his claim has been satisfied to his satisfaction and no further payment is required to be made. Learned counsel for respondent No. 1 further submits that as per the affidavit, which has been appended with the application, respondent No. 1 has already received the required payment and has no objection in case the petitioner is acquitted by compounding the offences.

Keeping in view the facts and circumstances of the present case noticed here-in-above, as the parties have already compromised their dispute and the claim of respondent No. 1 has been satisfied to his satisfaction, the main criminal revision petition i.e. CRR No. 998 of 2021, which is pending for 01.11.2021, is taken up for hearing today on the request of the petitioner.

CRR No. 998 of 2021

In the present criminal revision petition, the challenge is to order dated 17/19.04.2018 passed by the Judicial Magistrate 1st Class, Sirsa, by which, the petitioner was convicted for violating the provisions of the Negotiable Instruments Act, 1881 and was sentenced to undergo

rigorous imprisonment for a period of one year alongwith fine of Rs. 5,000/- and also to order dated 23.08.2021 passed by the Additional Sessions Judge, Sirsa, by which, the appeal of the petitioner against the order of conviction was dismissed.

Learned counsel for the petitioner argues that during the pendency of the present criminal revision petition, the parties have entered into a compromise and the petitioner has already discharged his liability to the satisfaction of respondent No. 1 and, therefore, the conviction of petitioner ordered by the Court below may kindly be re-considered, keeping in view the facts and circumstances that exists as of now. Learned counsel for the petitioner prays that his prayer for compounding the offence may kindly be accepted.

Learned counsel appearing for respondent No. 1 submits that as per her instructions from respondent No. 1, the claim of respondent No. 1 has been satisfied to his satisfaction. Learned counsel for respondent No. 1 submits that she has no objection, in case, the offence, for which, the petitioner has been charged and convicted, is compounded.

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 respondents that the offence, for which, the petitioner has been charged and convicted is compoundable. Once, the parties have amicably resolved their dispute and respondent No. 1 already stated before this Court that his claim has been satisfied to his satisfaction and the learned Counsel appearing for

respondent No. 1 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 of this case noticed hereinbefore, the present revision petition is accepted and the offence, for which, the petitioner is charged, is compounded and the judgment dated 17/19.04.2018 passed by the Judicial Magistrate 1st Class, Sirsa and judgment dated 23.08.2021 passed by the Additional Sessions Judge, Sirsa are set aside and the accused is ordered to be acquitted, subject to payment of cost of Rs. 10,000/- to be deposited with Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No. 014894600000970, SCO 151-152, Sector 9-C, Chandigarh or A/c No. 100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch.

CRM-29763 of 2021

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

October 27, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No