

CRR-1398 of 2021 (O&M)

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

CRR-1398 of 2021 (O&M)  
Date of Decision: 10.11.2021

Amrik Singh

...Petitioner

Versus

State of Punjab and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present:- Mr. Dharam Pal, Advocate, for the petitioner.  
Mr. C.L. Pawar, Sr. Deputy Advocate General, Punjab.  
Mr. Deepak Kumar Bartia, Advocate, for respondent No.2.

**ASHOK KUMAR VERMA, J. (ORAL)**

Through this revision, petitioner-accused has laid challenge to judgment dated 05.10.2021 of the First Appellate Court, affirming judgment of conviction and order of sentence dated 11.02.2019 of the trial Court, holding him guilty and sentencing to undergo rigorous imprisonment for two years and pay ₹11,00,000/- as compensation to the complainant under Section 138 of the Negotiable Instruments Act.

Learned counsel for the petitioner submits that parties amicably settled the matter vide compromise deed dated 21/27.10.2021 (Annexure P-1) 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 offence is compoundable, therefore, application bearing No. CRM-37789 of 2021 has been filed for compounding the offence.

Mr. Deepak Kumar Bartia, Advocate, who appears on his own

CRR-1398 of 2021 (O&M)

and files his vakalatnama on behalf of respondent No.2-complainant admits the factum of compromise (Annexure P-1) 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 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 Negotiable Instruments Act.

Section 147 of the Negotiable Instruments 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. The imposition of costs

CRR-1398 of 2021 (O&M)

would be a matter of discretion of the Court. The Court in a given case can reduce the costs as regards the specific facts involved therein, of course reasons are to be recorded for such a variance.

In the present case, taking into consideration the time and the manner in which the litigation was fought, I am of the view that 15% of the cheque amount towards cost of litigation can be waived off in the interest of justice.

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.

**November 10, 2021**  
R.S.

**(Ashok Kumar Verma)**  
**Judge**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No