

CRM-39130-2021 & CRM-39131-2021 in/and CRR-1451-2021 -1-

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

**(108) CRM-39130-2021 & CRM-39131-2021 in/and
CRR-1451-2021
Date of Decision : November 18, 2021**

Sunil Kathuria

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhimanyu Singh, Advocate, for the applicant-petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Jatin Sharma, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-39130-2021

Present application has been filed for condonation of delay of 605 days in filing the present criminal revision petition.

Learned counsel for the applicant-petitioner submits that though, the lower Appellate Court had dismissed the appeal of the petitioner on 01.06.2018 but now, the parties have compromised their dispute and the claim of the respondents has been satisfied and keeping in view the said development, the present criminal revision petition has been filed so as to pray that the offences, which are compoundable, may kindly be compounded.

Notice of the application to the counsel opposite.

Mr. Karan Garg, learned Assistant Advocate General, Haryana,

CRM-39130-2021 & CRM-39131-2021 in/and CRR-1451-2021 -2-

who is present in the Court, accepts notice on behalf of the respondent-State and Mr. Jatin Sharma, Advocate, accepts notice on behalf of respondent No.2.

Learned counsel for the respondents concede the factum of compromise and receiving the amount to the entire satisfaction of the respondent. Learned counsel for the respondents raise no objection for the condonation of the delay of 605 days in filing the present criminal revision petition.

Accordingly, the application is allowed and delay of 605 days in filing the present criminal revision petition is condoned.

CRR-1451-2021

In the present criminal revision petition, the challenge is to order dated 14.02.2017 passed by the learned Judicial Magistrate Ist Class, Faridabad, 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 six months and was also directed to pay a compensation of Rs.3,30,000/- and also to order dated 01.06.2018 passed by the learned Sessions Judge, Faridabad, by which, the appeal of the petitioner against the order of conviction was dismissed.

Learned counsel for the petitioner submits that the the offence in question is compoundable and the petitioner as well as the respondents have already compromised the issue as the petitioner has satisfied the claim of the respondents to his entire satisfaction and therefore, on the oral prayer of the petitioner, the offence may kindly be compounded and the petitioner may kindly be acquitted. Learned counsel for the petitioner further submits that the petitioner is ready to suffer imposition of cost for wasting the valuable time of the Court.

Learned counsel for private respondent No.2 does not dispute the factum of compromise between the parties and submits that no further claim of the respondent is pending as the same stands already satisfied by the petitioner.

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 criminal revision petition is accepted and the offence, for which the petitioner is charged, is compounded and the judgment dated 14.02.2017 passed by the learned Judicial Magistrate Ist Class, Faridabad and judgment dated 01.06.2018 passed by the learned Sessions Judge, Faridabad are set aside and the accused is ordered to be acquitted.

The above order, will be subject to the payment of Rs.15000/- as cost, 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, by the petitioner.

CRM-39130-2021 & CRM-39131-2021 in/and CRR-1451-2021 -4-

CRM-39131-2021

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

November 18, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No