

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

(224)

**CRR No. 2946 of 2019 (O&M)
Date of Decision : 23.12.2021**

Rani

...Petitioner

Versus

Jagraj Singh and another

...Respondents

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.L. Bajaj, Advocate for the petitioner.

Mr. Rajan Bhargava, Advocate
for respondent No. 1/complainant.

Harsimran Singh Sethi J. (Oral)

Though, the present revision petition has been filed impugning the order dated 09.01.2019 passed by the learned trial Court by which the petitioner has been convicted as well as the order dated 19.09.2019 passed by the lower Appellate Court by which the appeal filed by the petitioner against the conviction has been dismissed but during the pendency of the present revision petition, the parties have settled their dispute. Learned counsel for the petitioner submits that the complainant had filed complaint under Section 138 of the Negotiable Instruments Act, 1881 and now, as the amount required to be paid to the legal heirs of complainant (since deceased), has been paid to him to his entire satisfaction, on the oral request

of the petitioner, the allegation/charge may kindly be compounded.

Learned counsel appearing on behalf of respondent No. 1/complainant submits that claim of respondent No. 1/complainant has already been satisfied to his entire satisfaction and, therefore, he has no objection in case, the charge alleged against the petitioner 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 respondent No. 1/complainant that the offence, for which, the petitioner has been charged and convicted is compoundable. Once, the parties have amicably resolved their dispute and heirs of respondent No. 1/complainant has already stated before this Court that his claim has been satisfied to his entire satisfaction and the learned Counsel appearing for respondent No. 1/complainant 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 and convicted, is compounded and the judgment dated 09.01.2019 passed by the learned Judicial Magistrate Ist Class, Bathinda, convicting the petitioner of the allegations as well as order dated 19.09.2019 passed by the learned Sessions Judge, Bathinda 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-34438 of 2019

Application has become infructuous keeping in view the order passed in the main criminal revision petition.

December 23, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No