

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

Sr. No.110

**CRR No.58 of 2022 (O&M)
Date of Decision: 12.01.2022**

Gurmeet Singh

.... Petitioner

Versus

Satpal

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Parminder Singh, Advocate
for the petitioner.

SANT PARKASH, J.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

CRM-751-2022

Prayer in the instant application is for placing on record
Annexures P-1 and P-3.

Application is allowed and Annexures P-1 and P-3 are taken on
record.

CRR No.58 of 2022 (O&M)

The instant revision petition has been preferred against the
judgment dated 06.12.2021 passed by learned Additional Sessions Judge,
Panipat in Criminal Appeal No.41 of 2019 dated 16.10.2018/16.10.2019
affirming the judgment and order of conviction dated 17.09.2018 and
18.09.2018 passed by learned JMIC Panipat, whereby the petitioner has
been convicted under Section 138 of the Negotiable Instruments Act
(for short, 'the Act') and sentenced to undergo imprisonment for one year
and to pay a fine of Rs.4,12,142/- along with interest @6% per annum from
the date of cheque, Rs.4000/- towards litigation expenses and Rs.5000/-
towards Court fine.

Learned counsel submits that the the learned Appellate Court has wrongly dismissed the appeal filed by the petitioner overlooking the medical treatment record of the petitioner as the petitioner was admitted in the hospital on account of having been affected with dengue fever. He further submits that in the meanwhile, a compromise has been effected between the petitioner and the complainant and the copy of the said compromise dated 20.12.2021 has been annexed at Annexure P-3.

Notice of motion.

Mr. Sukhdeep Singh, Advocate puts in appearance on behalf of the respondent/complainant by filing power of attorney through e-mail and print out of the same is taken on record. Learned counsel admits the factum of compromise having been effected between the parties and requests that the complaint under Section 138 of the Act be allowed to be withdrawn and consequently, judgment and order of conviction passed by both the Courts below may be set aside as the respondent/complainant has received full and final payment.

I have heard learned counsel for the parties and have gone through the record.

Taking into consideration the nature of offence committed in the instant case and the fact that a compromise has been effected between the parties, continuance of criminal prosecution would be an exercise in futility and further, by virtue of Section 147 of the Negotiable Instruments Act, which enables that the offence under Section 138 of the Act can be compounded at any stage, the order dated 06.12.2021 passed by learned

Additional Sessions Judge, Panipat affirming the judgment and order of conviction dated 17.09.2018/18.09.2019 passed by learned JMIC, Panipat, is set aside.

The petitioner is directed to be released forthwith, if not required in any other case, subject to his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

Accordingly, the present revision petition stands allowed.

**(SANT PARKASH)
JUDGE**

12.01.2022
Maninder

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No