

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-1692-2021 (O&M)
Date of Decision:-31.10.2022

Laxman @ Laxman Singh

... Petitioner

Versus

Jyoti Cooperative N.A.T.C. Society Limited and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamaljit Singh Dhillon, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Kuldeep Singh, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed by the petitioner assailing judgment dated 29.1.2020 passed by learned Additional Sessions Judge, Kurukshetra, whereby learned Additional Sessions Judge, Kurukshetra, while dismissing an appeal filed by the petitioner challenging judgment dated 8.1.2016 and order of sentence dated 12.1.2016 passed by learned Judicial Magistrate 1st Class, Kurukshetra, has upheld the conviction of the petitioner for offence under Section 138 of Negotiable Instruments Act in respect of dishonour of a cheque for an amount of Rs.1,79,800/-.
2. During the course of pendency of this petition, it had been represented by the petitioner that the matter has been amicably resolved amongst the parties and consequently this Court vide order dated 2.4.2022 had directed the parties to

appear before the Trial Court/Illaq Magistrate and to get their statements recorded qua the factum of compromise.

3. Report of learned Judicial Magistrate 1st Class, Kurukshetra has been received, as per which the statements of the parties have been recorded and it has been opined that the parties have voluntarily entered into a compromise and that the compromise/settlement is genuine and not the result of any pressure or coercion.
4. In view of the aforestated position, the compromise/settlement as entered into amongst the parties is accepted and the impugned order dated 29.1.2020 passed by learned Additional Sessions Judge, Kurukshetra; judgment dated 8.1.2016 and order of sentence dated 12.1.2016 passed by learned Judicial Magistrate 1st Class, Kurukshetra, are hereby set aside and the petitioner is hereby acquitted of the charges.
5. Since it is a case where two separate complaints under Section 138 of Negotiable Instruments Act had been filed i.e. one for dishonour of a cheque of an amount of Rs.1,79,800/- and another for dishonour of a cheque of an amount of Rs.2.82 lakhs and both the complaints have been compromised for a total payment of Rs.2.80 lakhs, the contention of the petitioner that he is not possessed of sufficient means to further deposit any costs is accepted and this Court deems appropriate not to impose any cost of litigation etc. upon the petitioner.
6. The revision petition stands allowed accordingly.

31.10.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No