

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

CRR No. 751 of 2020 (O&M)

Date of decision: 15.12.2022

Manjit Saini

...Petitioner

Versus

Prahlad through LRs and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Satya Dev Bansal, Advocate and
Mr. Jeevan Gautam, Advocate
for the petitioner.

Mr. Bhisham Kumar, Advocate
for respondent No. 1.

None for respondent No. 2/U.T., Chandigarh.

ARVIND SINGH SANGWAN, J. (Oral)

By way of the present revision petition, the petitioner has laid challenge to the judgment of conviction dated 23.08.2017 and order of sentence of the even date, vide which the petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (*for short 'N. I. Act'*) and was sentenced to undergo simple imprisonment for a period of one year and to pay a compensation of Rs. 4,00,000/- to complainant/respondent No. 1; as well as for setting aside the judgment dated 04.03.2020, passed by the lower appellate Court, vide which the appeal filed by the petitioner was dismissed.

It is worth noticing that on 22.12.2020, noticing the fact that the petitioner is a 62 years old lady and the matter has been amicably settled between the parties, her sentence was suspended. Thereafter, on 29.11.2022, the parties were directed to appear before the Mediation and Conciliation

Centre of this Court for recording of their statement.

Learned counsel for the petitioner has relied upon the affidavits of Raj Rani, Mukesh Kumar, Mandeep Kumar and Rohit Kumar, the legal heirs of original complainant Prahlad, to submit that the respondents have acknowledged that the matter stands amicably settled.

Learned counsel for the petitioner has relied upon ***Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102***, wherein a Division Bench of this Court has held that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence. Accordingly, the judgment of conviction and order of sentence passed by the trial Court was set aside and it was directed that the appeal, pending before the lower appellate Court, would be rendered infructuous.

Learned counsel for the petitioner has also relied upon a judgment rendered in ***K. Subramanian vs. R. Rajathi Rep. By P.O.P. Kaliappan, 2010 (1) RCR (Criminal) 184***, whereby, on the basis of the compromise entered into between the parties, Hon'ble Supreme Court has set aside the judgment of conviction and order of sentence passed by the Courts below and the accused was acquitted of the charge, framed against him under Section 138 of the N. I. Act.

Learned counsel for the respondents has not disputed the factual position and submitted that the respondents have no objection if the present revision petition is allowed.

After hearing learned counsel for the parties, considering the aforesaid facts and circumstances and also in view of the aforesaid judgments

rendered in *Sube Singh's* case and *K. Subramanian's* case (supra), the present petition is allowed and the impugned judgment of conviction dated 23.08.2017 and order of sentence of the even date, passed by the trial Court, as well as judgment dated 04.03.2020, passed by the lower appellate Court are set aside. The petitioner/accused is acquitted of the charge framed against him.

Bail/surety bonds be discharged accordingly.

15.12.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No