

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-2059 of 2008
Reserved on 13.05.2022
Pronounced on: 18.07.2022

Gulzar SinghPetitioner

Vs.

Baldev SinghRespondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gurpreet Singh Thind, Advocate for
Mr.O.P. Kamboj, Advocate for the petitioner.

Ms. Divya Arora, Legal Aid Counsel
For the respondent.

ANOOP CHITKARA J.

Complaint No.	Dated	Passed by	Sections
1-2	06.01.2014	SDJM, Zira Decided on 04.10.2016	138 read with 142 Negotiable Instruments Act.

Criminal Case no. before appellate Court	14 of 01.11.2006 Date of decision:-05.08.2008
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The petitioner, who stands convicted in the trial for the complaint as captioned above, has come up before this Court under Section 482 CrPC for quashing the judgment of conviction, sentence, charges, and the FIR, based on the compromise with the widow of the complainant.

2. The gist of the allegations against the petitioner(s) is that the cheque given by the petitioner to the respondent Baldev Singh bounced, which led to the launch of prosecution in which the accused was convicted and his appeal dismissed.

3. Aggrieved by both the judgments, the convict came up before this court by filing the present revision petition. During the pendency of the petition, the complainant expired. After

that, the convict entered into an out-of-court compromise with the widow of the deceased, i.e., Simarjit Kaur. The said compromise deed and supporting documents have been filed before this court, which is taken on record.

4. The petitioner and the legal heir of the complainant/ Aggrieved person have entered into an out of Court compromise. A copy of the compromise is placed in the file of the present petition.

5. On Oct 15, 2008, a co-ordinate bench of this court issued notice to the respondent; however, despite service, none put in an appearance. After around 13 years, when the matter was again listed on 06-05-2022, none appeared for the respondent. However, Ld. counsel for the petitioner stated at Bar about the factum of compromise and handed over the documents of compromise, which were taken on record, and in the interest of justice, this court appointed a legal aid counsel. On May 13, 2022, Ld. Legal Aid counsel confirmed the factum of compromise and receipt of payment.

6. At the time of filing the petition, the petitioner was in custody, and after more than a month, his sentence was suspended. Thus, in the entirety of facts and circumstances of the case, more particularly that the petitioner did not file any application for substituting the respondent, nor did the complainant’s legal heirs come forward for substitution, and yet the widow of the complainant compromised the matter, the sentence of imprisonment is reduced to already undergone, including the sentence in default of payment of fine and compensation. In the peculiar circumstances and exercise of the inherent powers under Section 482 of the Code of Criminal Procedure, it is further directed that the sentence of imprisonment shall not be taken as punishment or as moral turpitude for all intent and purposes.

Criminal Revision petition is partly allowed to the extent mentioned above. All pending applications, if any are disposed of.

(ANOOP CHITKARA)
JUDGE

July 18, 2022
Sonia arora

Whether speaking/reasoned: Yes
Whether reportable: No.