

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

**CRR No. 631 of 2021 (O&M)
Date of Decision: 20th July, 2022**

Naresh Goel

... Petitioner

Versus

Arvind Gupta

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Deepak Aggarwal, Advocate for the petitioner.
Mr. Vivek Goel, Advocate for the respondent.

AVNEESH JHINGAN , J.(Oral)

CRM-16985 of 2021

For the reasons mentioned in the application and considering the fact that the matter has been compromised, delay of 1823 days in filing the revision is condoned.

The application stands disposed of.

Main petition

This revision petition is filed aggrieved of conviction in complaint case No. 15574 under Section 138 of the Negotiable Instruments Act, 1881.

The petitioner was convicted vide judgment dated 26.11.2014 and vide order dated 29.11.2014, he was sentenced to undergo six months imprisonment and to pay compensation of Rs.3,00,000/- and in case of default of payment to undergo 15 days simple imprisonment. In appeal, the appellate court reduced the sentence from six months to three months and compensation from Rs.3,00,000/- to Rs.1,19,000/-.

Learned counsel for the parties are *ad idem* that during the pendency of the present petition, the matter has been compromised. Learned counsel for the petitioner has produced copy of the receipt to show that cost in consonance with the decision of the Supreme Court in Damodar S. Prabu

v. Sayed Babalal H., 2010(5) SCC 663 has been deposited.

In **K.M. Ibrahim v. K.P. Mohammed and another, (2010) 1, SCC 798**, Supreme Court held as under:-

8. The golden thread in all these decisions is that once a person is allowed to compound a case as provided for under Section 147 of the Negotiable Instruments Act, the conviction under Section 138 of the said Act should also be set aside. In the case of Vinay Devanna Nayak (supra), the issue was raised and after taking note of the provisions of Section 320 Cr.P.C., this Court held that since the matter had been compromised between the parties and payments had been made in full and final settlement of the dues of the Bank, the appeal deserved to be allowed and the appellant was entitled to acquittal. Consequently, the order of conviction and sentence recorded by all the courts were set aside and the appellant was acquitted of the charge leveled against him”

After hearing learned counsel for the parties and taking into consideration the fact that the parties have settled their dispute. The offence punishable under Section 138 of the Act is compounded, accordingly, the impugned judgments and order passed by the Courts below are set aside. The complaint under Section 138 of the Act is dismissed and the petitioner is acquitted of the notice of accusation served upon him.

The revision petition is disposed of.

Since the main petition has been disposed of, the pending applications, if any, are rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

20th July, 2022

mk

Whether reasoned/speaking

Yes

Whether reportable

No

