

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

CRR-1135-2018 (O&M)

Date of decision : 15.12.2022

Satish Sharma

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Upender Prasher, Advocate
 for the petitioner.

 Mr. R.K. Ambavta, AAG, Haryana
 for respondent No.1-State.

 Mr. R.K. Sharma, Advocate
 for respondent No.2/Complainant.

PANKAJ JAIN, J. (ORAL)

Present revision petition has been filed assailing the order of conviction passed by JMIC, Faridabad against the petitioner for offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the N.I. Act') and judgment dated 6th of March, 2019 passed by Sessions Judge, Faridabad affirming the aforesaid judgment of conviction.

2. Application was moved before this Court i.e. CRM No.13520 of 2018 seeking permission to compound the offence. Cheque amount involved was of Rs.10.00 lacs. However, the complainant agreed to settle the dispute for Rs.5.00 lacs and agreed to compound the offence of the petitioner. Apart from that the petitioner has also paid an amount of Rs.50,000/- as compounding charges and has deposited the same with

Haryana Legal Services Authority, Panchkula in compliance of order dated 27th of November, 2018. Receipt thereof has been placed on record by way of CRM No.6279 of 2020 as Annexure A-2 appended to the said application.

3. Ld. Counsel appearing for respondent No.2/complainant admits the aforesaid fact and submits that respondent No.2/complainant has no objection in case offence of the petitioner is ordered to be compounded.

4. In view of the aforesaid facts and in view of law laid down by the Apex Court in **Damodar S. Prabhu vs. Sayed Babalal H. (2010) 5 SCC 663**, application seeking compounding of offence (CRM No.13520 of 2018) is allowed.

5. Consequently, offence alleged *qua* the petitioner in **Complaint Case No.1947/2013** titled as **Raj Kumar Gupta vs. Satish Sharma** filed under Section 138 of the N.I. Act, 1881, in the Court of JMIC, Faridabad is ordered to be compounded and judgment of conviction/order of sentence dated 17th of August, 2017/30th of August, 2017 is hereby set aside.

5. In view of the aforesaid, present revision petition has been rendered infructuous and is thus disposed off accordingly.

6. Pending application(s) if any, shall also stand disposed off.

December 15, 2022

Dpr

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No