

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRR-1242-2018 (O&M)
Date of Decision: 23.2.2022

Mahender Singh @ Ghasi Ram

....Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Saurabh Dalal, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Sankalap, Advocate,
for respondent No.2

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of Covid-19 Pandemic.

The petitioner has filed the present petition challenging the judgment and order dated 13.6.2016/14.6.2016 passed by Judicial Magistrate, 1st Class, Rohtak whereby the petitioner was convicted and sentenced to SI for a period of six months under Section 138 of Negotiable Instruments Act and judgment dated 12.2.2018 whereby the appeal filed by the petitioner against the aforesaid judgment and order was dismissed by the Court of Additional Sessions Judge, Rohtak.

Still being aggrieved, the petitioner has filed the present revision petition.

Today, counsel for the petitioner submitted that the parties have arrived at a compromise during the pendency of the present petition, as per

which, cheque amount worth ₹ 1 lakh has been paid by the petitioner to respondent No.2 in full and final settlement of the dispute. Counsel for the petitioner made prayer that the petitioner be exempted from depositing compounding fee in light of law laid down by Hon'ble Apex Court in **Damodar S. Prabhu v. Sayed Babalal H.** (2010) 5 SCC 663.

Mr. Sankalp, Advocate, appearing on behalf of respondent No.2 admitted the factum of compromise and further stated that now nothing is due against the petitioner with regard to cheque in dispute worth ₹ 1 lakh. He further stated that offence under Section 138 of Negotiable Instruments Act be compounded between the parties. Further, counsel for respondent No.2 is ready to forego the costs to be imposed in terms of the judgment of Hon'ble Apex Court in **Damodar S. Prabhu's** case (supra).

In view of above, it is clear that the parties have settled their dispute by way of compromise and the petitioner is hereby exempted to pay compounding fee in deviation to the law laid down by Hon'ble Apex Court in **Damodar S. Prabhu's** (case) supra. Permission is hereby granted to the parties to compound the offence punishable under Section 138 of Negotiable Instruments Act.

Consequently, the present revision petition is allowed and impugned judgments and orders passed by the Courts below are set aside. The complaint filed by the respondent under Section 138 of Negotiable Instruments Act is dismissed and the petitioner stands acquitted.

February 23, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No