

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH.**

**207**

**CRR-1121-2021 (O &M)**  
**Date of decision: 06.01.2022**

BALWINDER PAL ALIAS KALA .....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER .....Respondents

**CORAM: HON'BLE MR. JUSTICE SANT PARKASH**

Present : Mr. Rajesh Kumar Dhankhar, Advocate  
for the applicant-petitioner.

Mr. Tanvir Joshi, AAG, Punjab  
for respondent No. 1

Mr. Pardeep Solath, Advocate  
for respondent No. 2

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**SANT PARKASH, J. (ORAL)**

The case has been taken up for hearing through video conferencing.

**CRR-1121-2021**

The petitioner has filed present revision petition under Section 397 read with Section 401 of the Cr.P.C. for setting aside judgment dated 09.09.2021 passed by learned Sessions Judge, Pathankot dismissing appeal against judgment of conviction and order of sentence both dated 19.10.2019 passed by learned Additional Chief Judicial Magistrate, Pathankot.

Vide order dated 13.12.2021, the substantive sentence of imprisonment as imposed upon the petitioner was suspended till today on the ground that the parties have entered into compromise.

Learned Counsel for the respondent No.2-complainant has

admitted the factum of compromise and has further submitted that respondent No. 2/complainant has received the entire cheque amount from the petitioner-accused and has no objection in case the petitioner-accused is acquitted of the offence.

Offence punishable under Section 138 of the N.I. Act is compoundable under Section 147 of the N.I. Act.

In ***JK Industries Limited and others Vs. Amarlal V. Jumanji and another : 2012(1) R.C.R.(Criminal) 822*** it was held by Hon'ble Supreme Court that the basic procedure of compounding an offence laid down in Section 320 of the Cr.P.C. will apply to compounding of an offence under the N.I. Act.

Section 320(6) of the Cr.P.C. empowers the High Court acting in exercise of its powers of revision under section 401 to allow any person to compound any offence which such person is competent to compound under Section 320 of the Cr.P.C.

The petitioner-accused and respondent No.2-complainant have compromised and settled the dispute between them. Respondent No.2-complainant has already received the amount of the cheque from the petitioner-accused. Compromise will restore cordial relations between the parties and will also contribute to peace and harmony in the society. Therefore, the offence under the N.I. Act is compounded.

In view of the facts and circumstances, the compromise deed entered into between the parties is accepted and in view of the compromise, the petitioner-accused is acquitted of the offence punishable under Section 138 of the N.I. Act in terms of the compromise deed and judgment dated 09.09.2021 passed in appeal by

learned Sessions Judge, Pathankot and judgment of conviction and order of sentence both dated 19.10.2019 passed by learned Additional Chief Judicial Magistrate, Pathankot are set aside.

The revision petition is allowed accordingly and the petitioner is ordered to be set at liberty in this case.

**CRM-32722-2021**

In view of the composition of the offence and consequent acquittal of the petitioner, the present application for suspension of sentence has become infructuous.

Accordingly, the present application is disposed of as having become infructuous.

**06.01.2022**  
kavneet singh

**(SANT PARKASH)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |