

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-2122-2019 (O&M)
Date of Decision:- 23.3.2022

Deepak Singh ... Petitioner

Versus

HDFC Bank Limited ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Singh Jattan, Advocate with
Mr. Partap Singh, Advocate, for the petitioner.

Mr. Saurabh Bhardwaj, Advocate with
Mr. Gaurav Khara, Advocate, for the respondent.

GURVINDER SINGH GILL, J. (Oral)

The petitioner assails judgment dated 14.8.2019 passed by learned Sessions Judge, Kaithal, vide which an appeal filed by the petitioner challenging his conviction as recorded by learned Judicial Magistrate 1st Class, Kaithal, vide judgment dated 14.1.2019 and also order of sentence dated 15.1.2019, has been dismissed.

The matter was taken up for preliminary hearing on 29.8.2019. It had been represented on behalf of the petitioner that he intends to settle the dispute with the bank/complainant.

It has been informed by learned counsel for the petitioner that the matter has been amicably resolved amongst the parties and as against the cheque amount of Rs.15.60 lakhs, the petitioner has paid an amount of Rs.18.95 lakhs.

Learned counsel representing the bank has not disputed the fact that the matter has been amicably resolved amongst the parties and that the bank does not have any objection for setting aside the impugned judgments on the basis of compromise and for acquittal of the accused.

In view of the fact that offence under Section 138 of the Negotiable Instruments Act (hereinafter referred to as the Act) is compoundable under Section 147 of the Act, the settlement amongst the parties and there being no objection from complainant for setting aside of impugned judgments, the same would amount to withdrawal from prosecution as envisaged by Section 321 Cr.P.C. In such circumstances and in view of the judgment rendered by this Court in ***Ritesh Gupta v. State of Punjab and another, 2009 (3) RCR (Criminal) 61***, the plea of the parties is accepted. The conviction and sentence imposed upon the petitioner for offence punishable under Section 138 of the Act is hereby set-aside and the petitioner is acquitted of the offence for which he was convicted and sentenced.

The revision petition is allowed in the aforesaid terms.

23.3.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No