

CRM-M-47995-2021 (O&M)
Date of decision: 25.08.2022

Ubaid Ur Rehman

.....Petitioner

versus

Sulender Chauhan

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. Kamal Kumar Chaudhary, Advocate
for the petitioner.Mr. Gaurav Singla, Advocate
for the respondent.**NAMIT KUMAR, J. (ORAL)**

This is a petition under Section 482 Cr.P.C. for quashing of complaint NACT No.1968-2016 and RBT No.35 instituted on 04.05.2016/05.05.2017 under Section 138 of the Negotiable Instruments Act filed before the learned JMFC Faridabad and the impugned judgment dated 14.03.2019 vide which the present petitioner along with others was convicted under Section 138 of the Negotiable Instruments Act and all subsequent proceedings arising therefrom, on the basis of compromise dated 22.10.2021 (Annexure P-7).

Vide order dated 17.11.2021, this Court had directed the parties to appear before the Lower Appellate Court for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 17.11.2021 with regard to the compromise dated 22.10.2021 (Annexure P-

7). The trial Court was to submit a report in this regard giving certain details as enumerated in the said order and this Court had also observed in order dated 17.11.2021 that the question of imposition of cost for wasting the valuable time of the police as well as the Court shall be assessed and imposed at the time of the final hearing of the present petition in case, the complaint is to be quashed.

Pursuant to the order dated 17.11.2021 passed by this Court, the parties have appeared before the learned Additional Sessions Judge, Faridabad and as per the report dated 22.11.2021 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence.

The Hon'ble Supreme Court in **"Ramgopal and another versus State of Madhya Pradesh, 2021(4) RCR (Criminal) 322"**, has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully in consonance of judgments with the direction issued by the Court in **"Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (3) RCR (Criminal) 1052"** and **"Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (CrL) 543"**.

The Hon'ble Supreme Court in **"A.T. Sivaperumal versus Mohammed Hyath (D) by LRs, decided on 27.03.2017"**, has held that once the settlement between the parties has been arrived at, the conviction can

also be set aside and the litigation too. Similar view has been taken by a Co-ordinate Bench of this Court in the case of **“Jagmohan Vs. Sandeep Aggarwal and another 2021(4) RCR (Criminal) 86”**.

In view of the aforesaid report of the learned Additional Sessions Judge, Faridabad accompanied by statements of both the parties, the impugned complaint NACT No.1968-2016 and RBT No.35 instituted on 04.05.2016/05.05.2017 under Section 138 of the Negotiable Instruments Act filed before the learned JMFC Faridabad and the impugned judgment dated 14.03.2019 vide which the present petitioner along with others were convicted under Section 138 of the Negotiable Instruments Act and all other consequential proceedings arising therefrom are hereby quashed, on the basis of compromise, *qua* the petitioner only, subject to the petitioner depositing an amount of Rs.10,000/- as costs, with the Punjab & Haryana High Court Legal Services Committee.

The petition stands disposed of accordingly.

25.08.2022

Neha

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No