

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-40832-2022 in /and
CRR-1456-2021 (O&M)
Date of Decision: 30.11.2022

Sudipto Bhattacharjee

... Petitioner

V/s.

M/s India Bulls Housing Finance Limited

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Harikesh Singh, Advocate
for the petitioner.

Ms. Kiran Bala Jain, Advocate
for the respondent.

DEEPAK MANCHANDA, J.(Oral)

CRM-40832-2022

At the very outset, learned counsel for the petitioner submits that the matter has been amicably settled between the parties before the Mediation and Conciliation Centre of this Court vide Settlement Agreement dated 22.06.2022 and the petitioner has deposited the full payment of fine in view of judgment of the Supreme Court passed in **Damodar S. Prabhu vs. Sayed Babalal H., 2010 (2) Crimes233** and as such, compounding of offence as contemplated by Section 147 of the Negotiable Instruments Act has been prayed for.

This statement has not been disputed by the counsel appearing for the respondent.

In view of above, the present application filed under

Section 482 Cr. P.C. read with Section 147 of the Negotiable Instruments Act, 1881 for compounding of offence is allowed.

CRR-1456-2021 (O&M)

Prayer made in the present revision petition is for setting aside the order dated 15.09.2021 passed by the Additional Sessions Judge, Gurugram upholding the order dated 28.02.2017 passed by the Judicial Magistrate 1st Class, Gurugram whereby the petitioner was sentenced to undergo simple imprisonment for six months under Section 138 of Negotiable Instruments Act, 1881.

Since the matter has been amicably settled and full payment of fine has been deposited by the applicant-petitioner and in view of the settled law passed in *K.M. Ibrahim Vs. K.P. Mohammed and Another, 2009 (14) SCALE 262*, compounding of the offence even at the later stages of litigation in cheque bouncing cases has been held to be permissible, accordingly, the compounding of the offence is allowed and the conviction of the petitioner is set aside. Hence the bail bonds furnished by the petitioner be released.

Copy of this order be forwarded to the trial Court to ensure compliance.

Revision petition is disposed of in the aforesaid terms.

Since the main case is disposed of, pending application(s), if any, shall also stand disposed of.

(DEEPAK MANCHANDA)
JUDGE

30.11.2022
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No