

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

219

CRR No. 2341 of 2022 (O&M)
Date of Decision:.20.12.2022

Gurmeet

-----Petitioner

vs.

The Rohtak Central Coop. Bank Limited

-----Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Ms. Mehak Akola, Advocate for
Mr. Manish Soni, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (ORAL)

Mr.Kuldip Singh, Advocate has filed his power of attorney on behalf of the respondent. The same is taken on record.

The petitioner through instant petition is seeking quashing of judgment and order dated 10/15.10.2019 passed by Sub Divisional Judicial Magistrate, Meham whereby petitioner has been awarded sentence of six months for commission of offence punishable under Section 138 of Negotiable Instruments Act, 1881 and further directed to pay compensation of Rs.2,24,000/- in terms of Section 357 (1) (3) Cr.P.C. to the complainant. The petitioner is further assailing order dated 6.10.2022 whereby learned ASJ, Rohtak has dismissed appeal of the petitioner.

Learned counsel for the petitioner inter alia submits that petitioner is in custody since 17.8.2022 and has settled the matter with respondent.

The petitioner settled the matter with respondent-Bank and

handed over two demand drafts bearing Nos.928316 and 928317 dated 20.10.2022 amounting to Rs.1,00,000/- and Rs.1,24,000/- respectively which are lying deposited with the Registry of this Court. The Registry is directed to hand over the drafts to Mr. Kuldip Singh, Advocate for the respondent.

As held by a three Judge Bench of Hon'ble Supreme Court **P. Mohanraj and others Vs. Shah Brothers Ispat Private Limited** (2021) 6 SCC 258, the gravamen of a proceeding under Section 138, though couched in language making the act complained of an offence, is really in order to get back through a summary proceeding, the amount contained in the dishonored cheque together with interest and costs, expeditiously and cheaply.

Mr. Kuldeep Singh, Advocate for the respondent-Bank submits that Bank has no more grievance against the petitioner.

In view of the fact that the alleged offence is a compoundable offence, petitioner has already suffered incarceration of more than two and half months out of awarded sentence of 06 months and as per judgment of Hon'ble Supreme Court in **P. Mohanraj and others (supra)** the proceedings under Section 138 of Negotiable Instruments Act, 1881 are quasi-criminal in nature and essence of proceedings is to expedite recovery of cheque amount, this Court is of the considered opinion that present petition at this stage deserves to be allowed and is accordingly allowed.

Keeping in mind the nature of allegations & evidence on record; findings recorded by trial court and first appellate court; quantum of sentence awarded & period of sentence undergone; age & antecedents of the petitioner, I am of the considered opinion that ends of justice would be

met if the sentence of imprisonment imposed upon the petitioner is reduced to the period already undergone.

Allowed in the above terms.

All the pending applications shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

December 20, 2022
anju

Whether speaking or reasoned : Yes/No
Whether reportable : Yes/No