

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

110+222

**CRR-3145-2019 (O &M)
Date of decision: 07.03.2022**

DARSHAN SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Mahipal Yadav, Advocate
for Mr. Sunny Kumar Singla, Advocate
for the applicant-petitioner.

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

Mr. Jai Bhagwan, Advocate
for respondent No. 2/complainant.

SANT PARKASH, J. (ORAL)

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

CRM-127-2022 in/and CRR-3145-2019

Petitioner has filed application **CRM-127-2022** under Section 482 of the the Code of Criminal Procedure, 1973 for setting aside judgements dated 22.11.2017 and 20.08.2019 passed by the learned Courts below and deciding the Revision Petition bearing No.**CRR-3145-2019** in terms of the compromise dated 15.11.2021 (Annexure A-1) arrived at between the parties with a further prayer that the petitioner be acquitted of the charge under Section 138 of the Negotiable Instrument Act.

On the previous date of hearing i.e. 09.02.2022, the parties

were directed to appear before the learned trial Court/Illaq Magistrate for recording of their statements with regard to the compromise/settlement and the substantive sentence of imprisonment as imposed upon the petitioner was suspended.

In compliance to the aforesaid order, report of learned Judicial Magistrate First Class, Malerkotla has been received which is taken on record. The relevant part of the report is as under :-

“As per the statement of complainant Pavittar Singh and accused Darshan Singh, they have entered into compromise with their own free will and without any pressure or coercion or undue influence. The said compromise seems to be genuine, voluntary and out of free will of the parties.”

Learned counsels appearing on behalf of both the parties admit that parties have settled their disputes.

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. Juman 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. 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 20.08.2019 passed in appeal by learned Additional Sessions Judge, Sangrur and judgment of conviction and order of sentence both dated 22.11.2017 passed by learned Judicial Magistrate First Class, Malerkotla are set aside.

The revision petition is allowed accordingly.

Since the main case itself has been decided, any pending civil miscellaneous applications have been rendered infructuous and are disposed of accordingly.

07.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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