

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

CRR-3394-2018

Date of Decision: September 28, 2022

Raj Kumar alias Raju Lord

...Petitioner

Versus

Mohinder Singh Bhatti

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Ms. Pratula Sethi, Advocate for
Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Prikshit Thakur, Advocate for
Mr. Ruhani Chadha, Advocate for the respondent.

AMAN CHAUDHARY, J.(Oral)

This is a revision petition filed against the judgment dated 06.09.2017 passed by the learned Judicial Magistrate 1st Class, Amritsar, whereby the petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 for a period of 1-1/2 years with fine of Rs.500/-, which was upheld by the learned Addl. Sessions Judge, Amrtisar, vide judgment dated 02.05.2018.

An application bearing CRM-21183-2021 seeking issuance of direction to the parties to appear before the Mediation and Conciliation Centre to get their statements recorded as the matter has been settled between the parties, was filed.

Vide order dated 26.07.2021, a direction was issued by this Court to the parties to appear before the Mediation and Conciliation Centre for recording their statements, in view of the compromise arrived at between the parties.

Learned counsel for the petitioner as also for the complainant submit that the statements were duly recorded by the

mediator on 16.01.2021 certifying that the settlement had been arrived at and an amount of Rs.1,50,000/- in cash was paid to the respondent-complainant towards full and final settlement, the compromise Annexure P-1 has been affirmed by way of the settlement of the parties.

Learned counsel for the petitioner prays that in view of the compromise effected between the parties the present petition may be disposed of in view of the judgment of the Hon'ble Supreme Court in ***Damodar S. Prabhu vs. Sayed Babalal***, reported as AIR 2010 (SC) 1097.

As per the law settled by Hon'ble the Supreme Court of India in case of ***Damodar S. Prabhu's*** case (*supra*), this Court has the power to set aside the judgment of conviction against the petitioner on the basis of a valid compromise. The compromise in the present case is genuine and valid. Accordingly, the present revision petition is allowed and the judgment dated 06.09.2017 passed by the learned Judicial Magistrate 1st Class, Amritsar, whereby the petitioner was convicted and the judgment dated 02.05.2018 passed by the learned Addl. Sessions Judge, Amritsar, vide which the conviction of the petitioner was upheld are set aside.

September 28, 2022

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**(AMAN CHAUDHARY)
JUDGE**

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