

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

CRR No. 111 of 2020

Date of decision: 25th September, 2023

Jagdish Kumar Jazzi

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Varun Katyal, Advocate for the petitioner.
Ms. Navreet Kaur Barnala, AAG, Punjab.
Mr. Bhanu Chaudhary, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. This criminal revision is filed against the order dated 6.7.2017 passed by Additional Sessions Judge, Amritsar upholding the conviction of the petitioner under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act').
2. The brief facts are that in the complaint filed by Rajesh Kumar under Section 138 of the Act, the petitioner was convicted vide judgment dated 12.10.2016 and sentenced to undergo rigorous imprisonment for a period of one year and to pay compensation of Rs. 1,25,000/- to the complainant. Appeal against conviction and quantum of sentence was dismissed. Hence the present revision.
3. After dismissal of the appeal, the parties compromised the matter. The complainant received the amount and is not interested in pursuing the litigation any further.
4. Learned counsel for the respondent supports the factum of compromise. He has no objection if the conviction of the petitioner is set aside.
5. In compliance of order dated 9.11.2021, the petitioner has

deposited the receipt in respect of 15% of the cheque amount in accordance with the judgment of the Supreme Court in ***Damodar S. Prabhu v. Sayed Babalal H., 2010(5) SCC 663.***

6. In ***K.M. Ibrahim v. K.P. Mohammed and another, (2010) 1, SCC 798***, Supreme Court held as under:-

“8. The golden thread in all these decisions is that once a person is allowed to compound a case as provided for under Section 147 of the Negotiable Instruments Act, the conviction under Section 138 of the said Act should also be set aside. In the case of Vinay Devanna Nayak (supra), the issue was raised and after taking note of the provisions of Section 320 Cr.P.C., this Court held that since the matter had been compromised between the parties and payments had been made in full and final settlement of the dues of the Bank, the appeal deserved to be allowed and the appellant was entitled to acquittal. Consequently, the order of conviction and sentence recorded by all the courts were set aside and the appellant was acquitted of the charge leveled against him.”

7. After hearing learned counsel for the parties and taking into consideration the fact that the parties have settled their dispute, the offence punishable under Section 138 of the Act is compounded. Accordingly, the impugned judgment and order passed by the Courts below are set aside. The complaint under Section 138 of the Act is dismissed and the petitioner is acquitted of the notice of accusation served upon him. The petitioner be released if not already released and not required in any other case.

8. The revision petition is disposed of.

9. Since the main petition has been disposed of, pending application(s), if any, is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

25th September, 2023

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No