

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

CRR-122-2021 (O&M)

Date of decision : 21.07.2023

BABU RAM

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Amit Shukla, AAG, Punjab.

Mr. Nitish Advocate for

Mr. Hoshiar Singh, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

This revision petition is directed against the impugned judgment passed by the Sub Division Judicial Magistrate, Abohar dated 17th of July, 2018 whereby the petitioner stands convicted u/s 138 of the Negotiable Instruments Act, 1881 and has been sentenced to undergo R.I. for a period of one year along with compensation of Rs.90,000/- to be paid to the complainant and in default thereof to further undergo six months' simple imprisonment.

2. The appeal preferred at the behest of petitioner also stands dismissed by the Sessions Judge, Fazilka vide order dated 1st of August, 2019.

3. On 26th of March, 2021 the petitioner moved an application bearing CRM No.6325 of 2021 before this Court for placing on record

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compromise deed, Annexure P-1 stating the matter stands compromised. The application was allowed and petitioner as well as respondent No.2 were directed to appear before the Illaqa Magistrate for recording of their statement *qua* the compromise arrived at between them.

4. Pursuant to the aforesaid order, report from SDJM, Abohar dated 14.12.2022 has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. As per above statements of parties, compromise has been effected between petitioner and respondent No.2. This compromise is acceptable to both the respective parties. Therefore, this compromise is genuine, voluntarily and is without any coercion, pressure or undue influence.

2. In the present case, as per statement of SC Maninder Singh, MHC, PS City-II, Abohar and as per report of Ahlmad, accused/petitioner Babu Ram son of Loona Ram has been declared as proclaimed person in above mentioned six cases. However, he has been acquitted in case titled as State v/s Babu Ram i.e. FIR No. 230 dated 07.11.2010 under Section 381, 420, 409IPC, Police Station City-I, Abohar vide judgment dated 20 February, 2017.

Hence, my report, Hon'ble Sir.”

5. Ld. Counsel appearing for respondent No.2 admits the factum of parties having compromised the matter and states that he has no objection in allowing the prayer made by the petitioner in the present criminal revision.

6. Similarly Ld. State Counsel also submits his 'no objection'.

7. I have heard Ld. Counsel for the parties and have carefully

gone through the records of the case.

7. Sentence of the petitioner already stands suspended vide order dated 26th of March, 2023. The parties have already reconciled their dispute and statement of petitioner as well as respondent No.2 to that extent already stands recorded by the Court below.

8. Law w.r.t. entertaining of settlement after conviction in the offence punishable under Section 138 of the N.I. Act is no more *res integra*. Trite it is that the settlement between the parties in proceedings under Section 138 of the N.I. Act can be considered and offence can be allowed to be compounded even after conviction.

9. In view of above, the present criminal revision petition is allowed. Impugned judgment dated 17th of July, 2018 passed by Ld. SDJM, Abohar and that dated 1st of August, 2019 passed by the Sessions Judge, Fazilka are hereby set aside, offence is ordered to be compounded.

10. Ordered accordingly.

11. Pending application, if any, shall also stands disposed off.

July 21, 2023

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No