

2023:PHHC:077547

223(3) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-106-2021 (O & M)
Date of decision: 22.05.2023

MOHAMMAD IQBAL

...Petitioner

V/s

SURENDER SINGH AND ANR

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Yashdev Kaushik, Advocate
for respondent No.1.

Mr. Munish Sharma, DAG, Haryana.

MANJARI NEHRU KAUL J. (ORAL)

Mr. Yash Dev Kaushik, Advocate has put in appearance on behalf of respondent No.1 and filed his *vakalatnama* which is taken on record.

2. The petitioner is assailing the judgment of conviction dated 30.10.2019 and order of sentence dated 06.11.2019 passed by the learned Judicial Magistrate 1st Class, Faridabad in Criminal Complaint bearing NACT No.2720/2017, whereby, the petitioner has been convicted under Section 138 of Negotiable Instruments Act, 1881 (for short, 'the NI Act') and sentenced to undergo simple imprisonment for a period of six months and to pay an amount of Rs.3 lacs to the complainant as well as order dated 25.01.2021 passed by the learned Sessions Judge, Faridabad vide which the appeal preferred by the petitioner was dismissed and conviction of the petitioner upheld.

3. On 08.05.2023, following order was passed :-

“Learned counsel for the applicant-petitioner(s) submits that parties have amicably settled their disputes and hence, a prayer has been made for compounding of the offences.

Learned counsel appearing on behalf of respondent No.1 seeks time to file his power of attorney.

Adjourned to 22.05.2023.

A photocopy of this order be placed on the file of other connected cases.”

4. Learned counsel for the petitioner submits that during the pendency of the instant petition, the parties have amicably settled all their disputes. Hence, a prayer has been made for compounding the offences. In support of his submissions, he has placed reliance upon judgment of Hon’ble Supreme Court in ***A.T. Sivaperumal Vs. Mohammed Hyath (D) By Lrs. 2017(2) R.C.R. (Criminal) 453*** and in ***A.J. Asana Vs. Sittrarasu 2019(5) R.C.R. (Criminal) 568.***

5. Learned counsel for the respondent No.1 does not dispute the submissions made by the counsel opposite qua the parties having amicably settled all their disputes. He also does not oppose the prayer made by the counsel opposite for compounding of the offences under Section 138 of the NI Act.

6. In view of the submissions made by the counsels for the parties, and the ratio of law laid down by the Apex Court in ***A.T. Sivaperumal’s case (supra) and in A.J. Asana’s case (supra)*** the instant petition is allowed. The aforesaid complaint and all consequential proceedings arising out of it including the judgment of conviction dated 30.10.2019 and order of

sentence dated 06.11.2019 passed by the learned Judicial Magistrate 1st Class, Faridabad, are quashed.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

22.05.2023
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(MANJARI NEHRU KAUL)
JUDGE

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