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

CRR-368-2019 (O&M)

Decided on:-17.01.2023

Rajender Kumar @ Rajinder Kumar

....Petitioner..

vs.

Bhopal Singh and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Monika Beniwal, Advocate for
Mr. Neeraj Raj Ghangas, Advocate for the petitioner.
Mr. Akshay Jindal, Advocate,
for respondent No.1.
Mr. Ramesh Kumar Ambavta, AAG, Haryana,
for respondent No.2-State.

HARKESH MANUJA J. (Oral)

Present revision petition has been filed against the judgment dated 09.01.2019 passed by the Court of learned Additional Sessions Judge, Karnal, dismissing the appeal and upholding the judgment and order dated 06.04.2016/08.04.2016 passed by the Court of learned Judicial Magistrate Ist Class, Karnal, whereby, the petitioner was ordered to be convicted under Section 138 of the Negotiable Instruments Act, 1881 (for short, "Act"), and sentenced to undergo rigorous imprisonment for a period of one year as well as to pay compensation to the tune of Rs.6.70 lakhs within two months and in case of default, to further undergo rigorous imprisonment for three months.

In pursuance to the notice of motion on 11.02.2019, respondents appeared and vide subsequent order dated 12.03.2019, the petitioner was ordered to be released on interim bail on his furnishing bail bonds/surety to the satisfaction of CJM/Duty Magistrate/trial court and further the matter was directed to be placed before the Mediation and

Conciliation Centre of this Court for exploring the possibility of any amicable settlement between them.

Today, it has been pointed out by learned counsel appearing for respondent No.1 that the parties have already entered into a settlement before the Mediation and Conciliation Centre of this Court and settlement/agreement dated 25.09.2019, signed by the parties as well as by the Mediator has already been placed on record. Learned counsel further submits that in view of the aforesaid settlement, the respondent-complainant has received the agreed amount and, as such, nothing remains due against the petitioner.

Learned State counsel has not made any serious opposition to the present petition.

I have heard learned counsel for the parties and gone through the paper book.

The only issue in the present case has been of dishonour of the cheque and now, the respondent-complainant has received the agreed amount, as such, no useful purpose is going to be served by continuing with the present proceedings since the same are under Section 138 of the Act and are compoundable and the stage of trial/proceedings is immaterial.

In this regard, reliance can be placed upon the judgments of this Court passed in CRR No.3928 of 2018, titled as “Ashok Kumar vs. State of Haryana and another” 2020(4) RCR (Criminal) 62 and CRR No.1091 of 2015, titled as “Manoj Sharma vs. Raman Mahajan and another”, 2015(8) RCR (Criminal) 52, wherein it was held that FIR including the judgment of conviction and order of sentence recorded by learned trial Court and

affirmed by appellate Court, can be quashed or set aside, on the basis of compromise if the facts and circumstances, of particular case, so warrants.

Para 7 of Manoj Sharma's case (supra) being relevant, is reproduced as hereunder:-

“Adverting to the facts of the case in hand, parties to the lis have buried their hatchet though at revisional stage. Respondent No.1/complainant has no objection in case instant revision petition is accepted and judgment of conviction and order of sentence passed by both the courts below are set aside and Manoj Kumar is acquitted. The compromise arrived at between the parties would certainly create harmonious relationship in between the parties and would result into removal of bitterness or ill-will existing between the parties since long.”

In view of the above, the present petition is allowed. The complaint under Section 138 of the Act and all consequential proceedings arising therefrom, along with the judgment of conviction dated 06.04.2016 and order of sentence dated 08.04.2016 passed by court of learned Judicial Magistrate Ist Class, Karnal as well as judgment of conviction dated 09.01.2019 passed by learned Additional Sessions Judge, Karnal, are hereby quashed, on the basis of compromise arrived at between the parties, subject to payment of costs of Rs.20,000/- to be paid by the petitioner within a period of two weeks from today in the following account:-

Account Name – Punjab and Haryana High Court Bar
Association Lawyer's Family Welfare Fund
Account No.-41564846387
Bank Name- SBI High Court Branch.

17.01.2023
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No