

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:142904
CRM-46032-2023 and CRM-46033-2023 in
CRR-433-2023 (O&M)
Date of Decision: November 08, 2023

Ranjeet Kumar

...Petitioner

Versus

M/s. Shree Ram Transport Finance Company Ltd. and another

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Munish Kamboj, Advocate for the petitioner.

Mr. Abhishek Sobti, Advocate for
Mr. Nilesh Bhardwaj, Advocate for respondent No.1.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

On 10.10.2023, following order was passed in the main
petition, i.e. CRR-433-2023 (O&M):-

“Sentence of the petitioner was suspended vide order dated 20.04.2023 as it was projected by him that he wanted to settle the matter amicably with respondent No.1 and in order to show his bonafide, he even paid ₹10,000/- in cash. As per request, the matter was sent to the Mediation and Conciliation Centre. It was noticed in the last order dated 12.07.2023 that the petitioner had not even appeared before the Mediation and Conciliation Centre, so as to explore the possibility of the compromise. Even till date, petitioner neither approached the respondent nor appeared before the Mediation Centre.

From the aforesaid circumstances, it is clear that the order regarding the suspension of sentence of the petitioner was obtained by misleading the Court. In these circumstances, the order dated 20.04.2023, whereby the sentence of the petitioner was suspended, is hereby revoked. In order to procure the presence of the petitioner, warrants of arrest be issued against him.

Adjourned to 16.11.2023.”

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CRM-46032-2023

This is an application to place on record the copies of the receipts dated 18.10.2023 as Annexures A-1 and A-2.

Allowed.

Annexures A-1 and A-2 are taken on record.

CRM-46033-2023

This is an application under Section 320 Cr.P.C. read with Section 482 Cr.P.C. for compounding of the offence under Section 138 of the Negotiable Instruments Act, 1881, on the basis of compromise as the payment of the dishonoured cheque has been made to the respondent.

Learned counsel for respondent No.1-complainant concedes the factum of the compromise. It is also conceded that the entire payment as per the settlement amongst the parties, has been received by respondent No.1-complainant.

Since the offence under Section 138 Cr.P.C. is compoundable, therefore, necessary permission to compound the offence, is allowed as compounding can be permitted at any stage.

As such, the application is allowed and the main case, i.e. CRR-433-2023 (O&M) is taken on Board today itself.

CRR-433-2023 (O&M)

Since the matter has been compromised and the entire payment has been made to respondent No.1-complainant and the offence is compoundable, the impugned orders passed by the Trial Court for convicting the petitioner and as affirmed by the Appellate Court, are hereby set aside. This order will have the effect of acquittal of the

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petitioner within the meaning of Section 320(8) Cr.P.C. However, having regard to the conduct of the petitioner as noticed in the order dated 10.10.2023 and also considering the fact that compromise has been effected after warrants of arrest had to be issued by this Court against the petitioner in the circumstance mentioned in that order, petitioner is directed to deposit an amount of ₹25,000/- as a cost to be deposited with Haryana State Legal Services Authority. Petitioner is directed to deposit said cost within a period of 15 days from today. The copy of this order be also sent to the Member Secretary, Hayana State Legal Services Authority, for necessary compliance.

Allowed.

November 08, 2023

sarita

**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No