

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRR-474-2023 (O&M)
Date of decision: 24.03.2023

Sanjay Kumar

.....Petitioner

Versus

Anil Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Sukhdeep Singh, Advocate
for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking setting aside of the judgment dated 20.02.2016 and order of conviction dated 25.02.2016 passed by learned Judicial Magistrate 1st Class, Karnal whereby the petitioner has been convicted for offence under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') and sentenced to undergo RI for 01 year and to pay compensation to the respondent to the tune of ₹1,80,000/-, and the order dated 04.10.2022 passed by learned Additional Sessions Judge, Karnal vide which the appeal preferred by the petitioner was dismissed and conviction of the petitioner upheld.

The petitioner has also filed an application bearing No.CRM-12005-2023 under Section 147 of the NI Act read with Section 482 of the Cr.P.C. for compounding of the offence under Section 138 of the NI Act.

Learned counsel for the petitioner, while drawing the attention of this Court to Annexure P-1, submits that the matter has been compromised between the parties and the respondent/complainant has received the entire amount towards full and final settlement. He further prays to waive off the compounding fee since the petitioner is a poor person and sole bread earner of his family. In support, he has relied upon ***Tilak Kataria Vs. State of Haryana and another : 2021(3) RCR (Criminal) 404.***

Learned counsel appearing for the respondent does not dispute the submissions made by learned counsel for the petitioner that the matter has been compromised between the parties and the entire amount stands paid to the respondent/complainant. He does not oppose the prayer made for compounding of the offence and for waiving of the compounding fee.

I have heard learned counsel and perused the relevant material on record.

In view of the fact that the parties have amicably settled their dispute and the petitioner has paid the entire amount to the respondent/complainant, CRM-12005-2023 is allowed and the offence under Section 138 of the NI Act is hereby compounded.

Further, since the petitioner is a poor person and the sole bread earner of his family coupled with the fact that the respondent/complainant has also not objected, this Court deems it appropriate to waive off the compounding fee.

Since, the application for compounding of offence under

Section 138 is allowed, the instant revision petition is also allowed and impugned judgments and orders of conviction are set aside.

24.03.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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