

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-212-2021 (O&M)

Decided on: 24.08.2023

Kiran Auto Mobiles and another

. . . . Petitioners

Vs.

State of Punjab and another

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Arun Gupta, Advocate, for
Mr. Rakesh Gupta, Advocate, for the petitioners.

Mr. Praneet Singh Pandher, AAG, Punjab.

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

DEEPAK GUPTA, J.

Memo of Appearance filed on behalf of respondent No.2/SBI
today in Court and the same is taken on record.

2. In criminal complaint bearing CNR No. PBPT03-005873-2017,
accused Satpal Singh (petitioner No.2 herein) being proprietor of the firm
Kiran Auto Mobiles (petitioner N: 1) was convicted under Section 138 of the
Negotiable Instruments Act, 1881 [for short 'the NI Act'] vide judgment dated
05.09.2018 passed by Id. JMIC, Patiala. Petitioner No.2 Satpal Singh was
sentenced to undergo imprisonment for a period of one year and to pay
compensation amount of ₹23,00,000/- along with simple interest @ 12% p.a
till final realization with default sentence. Appeal filed by the petitioners
against the aforesaid judgment of conviction and order of sentence was
dismissed by the Court of Id. Additional Sessions Judge, Patiala vide order
dated 28.01.2020.

3. Though the aforesaid concurrent findings of conviction have been challenged by way of present Criminal Revision, but it is informed by ld. counsel that after dismissal of the appeal, matter has since been compromised amongst the parties and that respondent No.2/Bank had issued clearance certificate dated 31.12.2020 (Annexure A1). The certificate reads as under: -

“It is to certify that M/s Kiran Automobiles had availed a Cash Credit facility bearing Account No.33348282043 (AUCA 390204855655) of Rs.36.00 Lakh from our branch on 05.02.2016. The outstanding pertaining to this account have been settled under One Time Settlement Scheme 2020-21 of the bank. The said account has been closed on 31.12.2020 and nothing is due towards this particular account.”

4. Today, learned counsel for respondent No.2-complainant has appeared and has admitted the authenticity of Annexure A1. He has no objection to accept the criminal revision and to set aside the impugned judgments of conviction and order of sentence.

5. Offence under Section 138 of the NI Act is compoundable in nature. Compounding can be allowed at any stage. Since matter has been compromised between the parties and account stands settled, therefore, both the impugned judgments of conviction and order of sentence, as passed by Courts below, are hereby set aside. On account of the offence having been compounded, the petitioner-accused stands acquitted within the meaning of Section 320(8) Cr.P.C.

Disposed of.

Pending applications, if any, also stand disposed of.

(DEEPAK GUPTA)
JUDGE

24.08.2023

Vivek

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No