

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

216

CRR-628-2023 (O&M)  
Date of decision: 17.03.2023

Buta Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. P.K.S. Phooka, Advocate  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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**MANJARI NEHRU KAUL, J. (ORAL)**

The petitioner is seeking setting aside of the judgment and order dated 16.09.2022 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Phul 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 02 years and to pay compensation to respondent No.2-bank to the tune of ₹15,00,000/-, and the order dated 15.02.2023 passed by learned Sessions Judge, Bathinda 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-10803-2023 under Section 482 read with Section 320(6) of the Cr.P.C. for compounding of the offence under Section 138 of the NI Act.

Learned counsel for the petitioner inter alia submits that the outstanding amount stands settled and no amount is now

outstanding against the petitioner. In this regard, respondent No.2-bank has also issued a No Dues Certificate to the petitioner vide Annexure P-1 dated 24.02.2023. He further prays to waive off the compounding fee since the petitioner is a poor farmer 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.***

Mr. Naginder Singh Vashist, Advocate has put in an appearance and filed his vakalatnama on behalf of respondent No.2-bank which is taken on record.

Learned counsel for respondent No.2-bank does not dispute the submissions made by learned counsel for the petitioner that the outstanding amount stood settled vide Annexure P-1 dated 24.02.2023 and the bank had also issued a No Dues Certificate to the petitioner. 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 outstanding amount to respondent No.2-bank for which No Due Certificate has also been issued by it, CRM-10803-2023 is allowed and the offence under Section 138 of the NI Act is hereby compounded.

Further, since the petitioner is a poor farmer and the sole bread earner of his family coupled with the fact that respondent No.2 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.

17.03.2023  
Vinay

(MANJARI NEHRU KAUL)  
JUDGE

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