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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-1107-2023 (O&M)

Date of decision: 17.10.2023

Pradeep Dahiya

....Petitioner

versus

Hans Raj Mehta and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Vikas Gulia, Advocate,
For the petitioner.

Ms. Rashi Shahrawat, Advocate,
For respondent No.1.

Mr.Gurmeet Singh, AAG, Haryana.

ARUN MONGA, J. (ORAL)

CRM-18838-2023

Application herein is for condonation of delay of 275 days in filing the criminal revision.

For the reasons stated in the application and the same being not opposed by learned State counsel as well as counsel for respondent No.1, same is allowed and delay of 275 days in filing the criminal revision stands condoned.

Main case

Instant Revision petition has been filed by petitioner against the Judgments dated 22.05.2019/02.07.2019 and 24.02.2022 passed by learned Courts below whereby petitioner-accused was held guilty under Section 138 of Negotiable Instrument Act, 1881 (for short 'the Act') and sentenced to undergo simple imprisonment for nine months besides payment of compensation of Rs.6,00,000/-.

2. Notice of motion.

3. On advance service of copy of petition, learned counsel for respondent No.1 as well as learned State counsel appear and accept notice.

4. At the outset, learned counsel for the petitioner submits that matter stands settled at Rs.2,50,000/- as against Rs.6,00,000/- and settled amount has been paid to the complainant/respondent No.1 herein. Compromise deed is annexed as Annexure P-1.
5. Respondent No.1 herein (complainant) does not want to pursue the case any further and has no objection if the revision petition is accepted and petitioner is acquitted.
6. Respondent No.1 is present in person along with his counsel. On a Court query, he maintains that he does not wish to press charges against the petitioner.
7. Learned counsel for complainant/respondent No.1 admits the receipt of settled amount. He also submits that respondent No.1 has no objection if appeal is accepted and petitioner is acquitted. He further urges that no useful purpose would be served by keeping the present proceedings pending.
8. The dispute herein is private in nature and parties have settled their differences and arrived at an amicable settlement, as aforesaid. Offence committed by the petitioner is civil in nature and not a crime against society at large. The criminal charges were earlier pressed by private respondent no.1 against the petitioner. It is not a case where state is the prosecutor. Respondent no.1 himself does not now want to press any charges against the petitioner and in fact, prays that instant petition be allowed or in other words his complaint against petitioner be dismissed. Parties are known to each other and wish to now live in congenially in future rather than maintaining hostility occurred due dishonor of the cheque, resulting in court proceedings *ibid*. In totality of the circumstance, I am thus of the view petitioner deserves to be acquittal.
9. As an upshot of the discussion, and also for the grounds stated in the petition and for mutual peace and future bon homie between the parties, and in the larger interest of interest, revision petition is accepted. Accordingly, the impugned orders of conviction and sentence recorded by both Courts below are set aside. Petitioner is acquitted of the charges levelled against him.
10. Perusal of case file reveals that petitioner was granted bail at the time of filing appeal but after sometime, he absented and was declared proclaimed offender vide order dated 21.01.2020. Since the matter stands settled amicably, no useful purpose

would be served to keep the P.O. proceedings pending. In the premise, order dated 21.01.2020 declaring the petitioner proclaimed offender is quashed.

11. Petition is allowed accordingly.
12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)

JUDGE

17.10.2023

Vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No