

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRR-619 of 2022 (O&M)
Date of decision: 1st August, 2023**

Sukhdev Singh

Petitioner

Versus

Ram Pratap and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Navneet Jindal, Advocate for the petitioner.
Mr. Amardeep Singh, Advocate for respondent No. 1.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This criminal revision is filed against the order dated 4.11.2015, passed by Additional Sessions Judge, Fazilka upholding the conviction of the petitioner under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act').

2. The brief facts are that in the complaint filed by Ram Partap under Section 138 of the Act, the petitioner was convicted vide judgment dated 15.9.2014 and sentenced to undergo imprisonment for a period of one year and fine to the tune of Rs.10,000/-. In default of payment of fine, he was further sentenced to undergo imprisonment for a period of one month. Appeal against conviction and quantum of sentence was dismissed. Hence the present revision.

3. After dismissal of the appeal, the parties compromised the

matter. The complainant received the amount and was not interested in pursuing the litigation any further.

4. Learned counsel for respondent No. 1 supports the factum of compromise. He has no objection if the conviction of the petitioner is set aside.

5. The petitioner has deposited the fine in accordance with the judgment of the Supreme Court in ***Damodar S. Prabhu v. Sayed Babalal H., 2010(5) SCC 663***. The print out of the receipt showing deposit of fine is taken on record.

6. In ***K.M. Ibrahim v. K.P. Mohammed and another, (2010) 1, SCC 798***, Supreme Court held as under:-

“8. The golden thread in all these decisions is that once a person is allowed to compound a case as provided for under Section 147 of the Negotiable Instruments Act, the conviction under Section 138 of the said Act should also be set aside. In the case of Vinay Devanna Nayak (supra), the issue was raised and after taking note of the provisions of Section 320 Cr.P.C., this Court held that since the matter had been compromised between the parties and payments had been made in full and final settlement of the dues of the Bank, the appeal deserved to be allowed and the appellant was entitled to acquittal. Consequently, the order of conviction and sentence recorded by all the courts were set aside and the appellant was acquitted of the charge leveled against him.”

7. After hearing learned counsel for the parties and taking into consideration the fact that the parties have settled their dispute. The offence punishable under Section 138 of the Act is compounded, accordingly, the impugned judgment and order passed by the Courts below are set aside.

The complaint under Section 138 of the Act is dismissed and the petitioner is acquitted of the notice of accusation served upon him. The petitioner be released if not required in any other case.

8. The revision petition is disposed of.
9. Since the main petition has been disposed of, pending application(s), if any, is rendered infructuous.

[AVNEESH JHINGAN]

JUDGE

1st August, 2023

mk

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No