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

CRR-874-2020 (O&M)

Date of Decision: 02.08.2023

MAHANT RAM DASS

.. Petitioner

Vs.

KRISHAN CHAND DECEASED THROUGH LRS.

..Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Prashant Bansal, Advocate for the petitioner.

Mr. Sandeep Sharma, Advocate for
Mr. Arjun Attri, Advocate for LR's of the respondent.

...

AVNEESH JHINGAN, J. (Oral)

1. This criminal revision is filed against the order dated 17.05.2019 passed by Additional Sessions Judge, Patiala 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 Krishan Chand under Section 138 of the Act, the petitioner was convicted vide judgment dated 19.04.2017 and sentenced to undergo rigorous imprisonment for a period of six months and to pay compensation equivalent to the cheque amount. 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 legal representatives of the complainant received the amount and were not interested in pursuing the litigation any further.

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

5. In compliance of order dated 17.01.2022, the petitioner has deposited the receipt in respect of 15% of the cheque amount i.e. Rs.91,500/- in the court today 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 compensation 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.

02.08.2023
Jasmine Kaur

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No