

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:052475

CRM-M-18292-2023

Date of Decision: April 17, 2023

Harpal Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Shivam Kamboj, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition under Section 482 Cr.P.C. is to quash criminal complaint No.NACT-96 of 2016 filed under Section 138 of the Negotiable Instruments Act, 1881, titled as "*Krishan Kumar v Harpal Singh*"; judgment and order dated 09.10.2017/10.10.2017 passed by learned Sub Divisional Judicial Magistrate, Dabwali (Annexure P-2), vide which the petitioner was convicted and sentenced to undergo imprisonment for a period of six months and to pay ₹30,000/- as compensation with default sentence; and order dated 11.09.2019 (Annexure P-3) passed by learned Addl. Sessions Judge, Sirsa, whereby appeal of the petitioner was dismissed, along with all the subsequent proceedings based on the compromise.

Petitioner has been convicted under Section 138 of the N.I. Act for dishonour of cheque of an amount of ₹20,000/-. His appeal was dismissed. Matter has now been compromised with respondent No.2-complainant, as per Annexure P-4.

Notice of motion.

Mr. Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of respondent No.1-State.

Mr. Prince Sharma, Advocate has filed Vakalatnama and accepted notice on behalf of complainant-respondent No.2 and admitted the factum of the compromise.

Though, conviction has already been recorded, which has been upheld by the Appellate Court, but considering the fact that the offence under Section 138 of the N.I. Act is compoundable and compounding can place at any stage, therefore, this petition is accepted. The impugned judgment of conviction as well as order of sentence passed by both the Courts below are hereby quashed on account of the compromise having effected between the parties. The resultant effect thereof will be that the petitioner shall stand acquitted, in terms of Section 320(8) Cr.P.C.

Disposed of.

April 17, 2023

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No