

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-2229-2020 in/and
CRR-2052-2008 (O&M)
Date of decision: 21.07.2023

KULDEEP KAUR

...Petitioner

VS

MALWINDER PAL SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Joginder Sharma, Advocate,
For the petitioner.

None for the respondent.

ARUN MONGA, J. (ORAL)

CRM-2229-2020

Application is allowed, as prayed for.

Compromise dated 09.01.2020 (Annexure A-1) is taken on record.

Main case

Instant Revision petition has been filed by petitioner against the Judgments dated 21.07.2006 and 17.09.2008 passed by learned Courts below whereby petitioner-accused was held guilty for commission of the offence punishable under Section 138 of Negotiable Instrument Act, 1881 (for short 'the Act') and sentenced to undergo rigorous imprisonment for one year besides payment of fine of Rs.5000/-.

2. Succinct facts first, as pleaded in the petition.

2.1. Complainant/respondent herein had filed a complaint under Section 138 of the Act against petitioner herein on the allegations that petitioner had obtained loan of Rs.2 Lakh from respondent on 15.03.2001 on a pro note for domestic purposes @ 24% per annum. Petitioner issued a cheque dated 15.08.2001 for Rs.56,000/- as part payment to discharge her liability to pay the loan amount and interest thereon. When presented, the cheque was bounced due to insufficient funds. Respondent filed the complaint under Section 138 of the Act.

After completion of trial, learned Judicial Magistrate First Class, Ludhiana vide judgment of conviction and order of sentence dated 21.07.2006 convicted and sentenced the petitioner, as aforesaid. Being aggrieved, petitioner had preferred criminal appeal, which was also dismissed by learned Additional Sessions Judge, Ludhiana vide judgment dated 17.09.2008. Hence the instant revision petition.

3. Revision was admitted for hearing on 04.10.2008.

4. On resumed hearing today, learned counsel for petitioner, at the outset, submits that parties have compromised the matter vide compromise dated 09.01.2020 (Annexure A-1). He seeks compounding of the offence and disposal of the instant revision petition on the basis of compromise arrived at between the parties.

5. Per compromise (Annexure A-1), respondent herein (complainant) does not want to pursue the case any further and has no objection if the petitioner herein is acquitted. Since none appears for the complainant, it is suggestive that compromise has indeed been arrived at, as it is borne out from the signatures of the parties on the deed of compromise.

6. In view of the above, present revision petition is allowed by holding that since the matter has been compromised between the parties amicably, petitioner is entitled to acquittal. The orders of conviction and sentence recorded by both Courts below are set aside and petitioner is acquitted of the charge levelled against him. The petitioner is stated to be on bail. Her bail bonds shall stand discharged.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

21.07.2023
vandana

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