

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

**CRR-1080-2023 (O&M)
Date of decision: 19.09.2023**

Lakhvir Singh

....Petitioner.

Versus

Jagmeet Singh Arora and another

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Om Pal Sharma, Advocate,
for the petitioner.

Mr. Iranpreet Singh, Advocate,
for respondent No. 1.

Ms. Swati Batra, DAG, Punjab
for respondent No. 2.

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SANJIV BERRY, J (ORAL)

Learned counsel for the petitioner has placed on record receipt dated 06.09.2023 vide which amount of Rs. 60,000/- has been deposited in the account of Punjab State Legal Services Authority, SAS Nagar. He further submits that by depositing the said amount, the petitioner has fulfilled the requirement as laid down by the Hon'ble Apex Court in the judgment passed in Damodar S. Prabhu vs. Sayed Babalal, 2010 (5) SCC 663.

2. Learned counsel for the petitioner submits that a complaint under Section 138 N.I. Act was preferred by respondent No. 1 in the Court

of learned Judicial Magistrate Ist Class, Ludhiana, wherein the accused, namely Lakhvir Singh, present petitioner was convicted and sentenced vide judgment of conviction and order of sentence dated 30.08.2018. The appeal was preferred by the present petitioner against the aforesaid judgment of conviction and order of sentence in the Court of learned Additional Sessions Judge, Ludhiana, which, however, was dismissed vide judgment dated 06.04.2023. The present revision petition is directed against the said judgment passed by learned Additional Sessions Judge, Ludhiana.

3. Learned counsel for the petitioner further submits that as per compromise deed dated 19.04.2023 (Annexure P-1), compromise has been effected between the petitioner and respondent No. 1, as such, the petitioner has sought permission for compounding of the offence.

4. Learned counsel appearing on behalf of respondent No.1/complainant has admitted the fact that Rs. 60,000/- has been deposited with the Punjab State Legal Services Authority, SAS Nagar, as per the decision laid down in Damodar S. Prabhu' case (Supra) and that compromise (Annexure P-1) has been effected between parties and as such permission to compound the offence may be given.

5. After considering the representative submissions and perusing the record, it transpires that by way of the present revision petition, the petitioner has challenged the impugned judgment dated 06.04.2023, passed by learned Additional Sessions Judge, Ludhiana, whereby the criminal

appeal No. CRA/708/2018, titled as '*Lakhvir Singh vs. Jagmeet Singh Arora*', had been dismissed and the conviction of the petitioner under Section 138 of the N.I. Act, was upheld. During the course of the proceedings, compromise dated 19.04.2023 (Annexure P-1) had been effected between the parties. On the basis thereof, the parties have sought compounding of the offence.

6. The factum of the compromise and the contents thereof, has not been disputed by learned counsel appearing on behalf of respondent No.1, who is the complainant of the case. Moreover, as per the receipt amounting to Rs. 60,000/- has been deposited, being 15% of the cheque amount, in terms of the decision laid down in *Damodar S. Prabhu' case (Supra)*.

7. By way of application, i.e. CRM-18555-2023, filed under Section 147 of the Negotiable Instruments Act, the applicant-petitioner has sought permission to compound the offence on the basis of the compromise dated 19.04.2023 (Annexure P-1). Learned counsel appearing on behalf of the complainant-respondent No. 1 has admitted the factum of compromise and has pleaded no objection in case the permission to compound the offence is given to the petitioner and the application is allowed. Moreover, as stated above, the petitioner has already deposited the requisite amount being 15% of the cheque amount before the Punjab State Legal Service Authority, SAS Nagar, in terms of the judgment passed by the Hon'ble Apex Court in *Damodar S. Prabhu' case (Supra)*.

Therefore, considering all these facts and circumstances and also the fact that the compromise effected between the parties is for the peace and harmony amongst the parties, I find there is no impediment in granting the requisite permission to the petitioner to compound the offence.

8. Accordingly, keeping in view the facts and circumstances of the case, the present petition is disposed of whereby granting permission to the petitioner to compound the offence as per the compromise dated 19.04.2023 (Annexure P-1) and as a consequence, the impugned judgment dated 30.08.2018 passed by the Court of learned Judicial Magistrate Ist Class, Ludhiana, in *Criminal Complaint No. 502/2016* titled as '*Jagmeet Singh Arora vs. Lakhvir Singh*' and the subsequent judgment in *Criminal Appeal No. CRA/708/2018* decided on 06.04.2023 titled as '*Lakhvir Singh vs. Jagmeet Singh Arora*', by the Court of learned Additional Sessions Judge, Ludhiana, are hereby set aside.

9. Instant Revision petition accordingly stands disposed of.

10. Pending miscellaneous application(s) if any, also stands disposed of.

19.09.2023
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |