

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

CRR-1987-2015 (O&M)

Date of Decision: 16.11.2023

BALWINDER SINGH

...Petitioner

V/S

VEER SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hitesh Chopra, Advocate
for the petitioner.

Mr. V.K. Sandhir, Advocate for the respondent.

HARPREET SINGH BRAR J. (Oral)

1. By way of present revision petition, the petitioner has assailed the judgment of conviction and order on quantum of sentence dated 01.06.2013 passed by learned Judicial Magistrate Ist Class, Amritsar vide which the petitioner was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 1,000/- and order dated 07.03.2015 passed by Additional Sessions Judge (Adhoc), Fast Track Court, Amritsar, vide which appeal filed by the petitioner was dismissed, in view of the fact that financial matter stands settled between both the parties in terms of compromise deed and affidavit of the complainant i.e. Annexures P-5 and P-6 respectively.

2. The case of the complainant/respondent is that the petitioner took a friendly loan of Rs. 6,00,000/- from the complainant and in order to discharge his legal liability, he issued cheque No. 135622 dated 12.09.2012 for Rs. 6,00,000/- drawn on ICICI Bank, Hall Bazar, Amritsar in favour of the complainant. But the said cheque was returned unpaid by the bank with

remarks “funds insufficient”. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report dated 16.10.2023 has been received from Civil Judge (Jr. Div.)-cum-Judicial Magistrate First Class, Amritsar stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned counsel for respondent admitted the factum of compromise and submit that the parties have indeed settled their dispute and he has no objection to the quashing of the impugned judgment of conviction and order of sentence passed by the Courts below, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in *Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63*, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

7. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (CrI.) 1052**, this petition is allowed and the judgment of conviction and order on quantum of sentence dated 01.06.2013 passed by Judicial Magistrate Ist Class, Amritsar and further order dated 07.03.2015 passed by Additional Sessions Judge, (Adhoc), Fast Tract Court, Amritsar vide which appeal of the petitioner was dismissed, are hereby quashed and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

8. Pending CRM(s), if any, also also disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

16.11.2023
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No