

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

CRR No.1420 of 2022 (O&M)

Date of decision: 11th September, 2023

Suresh Kumar

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.S. Antal, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

Mr. Kuldeep Singh, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is impugning the judgment of his conviction dated 11.09.2018 and order of sentence dated 19.09.2018 passed by the learned Judicial Magistrate 1st Class, Meham which was upheld by the learned Additional Sessions Judge, Rohtak vide judgment dated 01.06.2022.

2. Learned counsel for the petitioner submits that during the pendency of the instant revision petition, the parties have amicably resolved their disputes and hence in the circumstances, a prayer for compounding of the offence under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as, 'the Act') has been

made. In support, learned counsel has placed reliance upon judgment of the Hon'ble Supreme Court in '**A.T. Sivaperumal Vs. Mohammed Hyath (D) By Lrs.**' 2017(2) R.C.R. (Criminal) 453 and in '**A.J. Asana Vs. Sittrarasu**' 2019(5) R.C.R. (Criminal) 568.

3. Learned counsel for the respondent No.2 does not dispute the submissions made by the counsel opposite that subsequent to the conviction of the petitioner for offence under Section 138 of the Act, vide which he was sentenced to undergo simple imprisonment for six months and to pay a compensation to the tune of ₹ 3.80 lacs to the complainant under Section 143(1) of the Act read with Section 357(3) Cr.P.C., the parties have amicably resolved their disputes. They also do not oppose the prayer made by learned counsel for the petitioner for compounding of the offence under Section 138 of the Act and disposing of the instant revision petition accordingly.

4. In view of the settlement arrived at between the parties and the concurrence shown by learned counsel for both the parties as also the ratio of law laid down by the Apex Court in **A.T. Sivaperumal's case** (supra) **and in A.J. Asana's case** (supra), the instant revision petition is allowed. The offence under Section 138 of the Act is compounded and the judgment of conviction dated 11.09.2018 and order of sentence dated 19.09.2018 passed by the learned Judicial Magistrate 1st Class, Meham as well as the judgment dated 01.06.2022 passed by the learned Additional Sessions Judge, Rohtak are set aside.

5. Needless to say, the parties shall remain bound by the terms of settlement so arrived at between them.

(MANJARI NEHRU KAUL)
JUDGE

September 11, 2023
rps

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