

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRR No.3743 of 2016 (O&M)

Naib Singh
... Petitioner
Versus
State of UT Chandigarh & another
... Respondents

2. CRR No.4415 of 2016 (O&M)

Gulzar Singh Kahlon
... Petitioner
Versus
Naib Singh
... Respondent

Date of decision: 19th April, 2023

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. K.S. Sidhu, Advocate for the petitioner.
Mr. H.S. Gharoo, Advocate for
Mr. Amit K. Goyal, APP UT Chandigarh
for respondent No.1.
Mr. Pawan Sharma, Advocate for
Mr. Dinesh Kumar, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The above detailed two revision petitions, having arisen out of the same order passed by the Court below and between the same parties, are being taken up together for decision by way of this common judgment.

The first petition i.e. CRR No.3743 of 2016 has been filed by the accused Naib Singh for setting aside the judgment of conviction dated 30.07.2014 and order of sentence dated 31.07.2014 passed by the learned Judicial Magistrate 1st Class, Chandigarh as well as the judgment dated 31.08.2016 passed by learned Additional Sessions Judge, Chandigarh, vide which the findings of the trial Court were affirmed. In the second petition i.e. CRR No.4415 of 2016, complainant Gulzar Singh Kahlon is challenging the impugned judgments passed by both the Courts below on the grounds that they have failed to grant compensation to the tune of double the cheque amount as provided under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the accused submits that the parties have arrived at an amicable settlement subsequent to the conviction of the accused by the trial Court vide judgment dated 30.07.2014. In support of his submissions, he has placed reliance upon judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1393 of 2011 titled as 'Ramawtar Vs. State of Madhya Pradesh' decided on 25.10.2021 : LL 2021 SC 589*** and this Court in ***Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102***.

Learned counsel appearing for complainant does not dispute the submissions made by counsel opposite and the factum of compromise having been indeed arrived at between the parties.

Vide order dated 27.09.2022 of this Court, the parties were relegated to the Mediation and Conciliation Centre of this Court to explore the possibility of an amicable settlement.

Report has been received from the Mediation and Conciliation Centre of this Court. As per the report received, the parties have entered into an amicable settlement/compromise dated 05.12.2022, which has been annexed with the report in original.

Learned State counsel too submits that there are no other accused other than the petitioner in the first petition and respondent No.2 is the only aggrieved person in the case in hand.

In view of the report of the Mediation and Conciliation Centre of this Court and the principles laid down by the Apex Court in ***Criminal Appeal No.1393 of 2011 titled as 'Ramawtar Vs. State of Madhya Pradesh' decided on 25.10.2021 : LL 2021 SC 589*** and this Court in ***Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102***, the first petition (CRR-3743-2016) is allowed. The judgment of conviction dated 30.07.2014 and order of sentence dated 31.07.2014 passed by the learned Judicial Magistrate 1st Class, Chandigarh as well as the judgment dated 31.08.2016 passed by learned Additional Sessions Judge, Chandigarh are quashed.

The second petition (CRR-4415-2016) stands disposed of in view of the settlement so arrived at between the parties.

Needless to say the parties shall remain bound by the terms of compromise recorded before the Mediation and Conciliation Centre of this Court.

(MANJARI NEHRU KAUL)
JUDGE

April 19, 2023
rps

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