

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.21819 of 2018 in/and
CRR No.2097 of 2018

Date of decision: 10th April, 2023

Neeraj Saluja

... Petitioner

Versus

Rakesh Kaushal @ R.K. Kaushal

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Deepak Nayyar, Advocate for the petitioner.

Mr. Sandeep Yadav, Advocate for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is impugning the judgment of conviction and order of sentence dated 01.09.2015 passed by the learned Sub Divisional Judicial Magistrate, Rajpura which was affirmed by the learned Additional Sessions Judge, Patiala vide judgment dated 04.06.2018.

Learned counsel for the petitioner submits that subsequent to the conviction of the petitioner by the Court below for commission of offence under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as, 'the Act'), the amount in question i.e. ₹ 5.20 lacs had been paid to the complainant/respondent as part of full and final settlement along with 15% of the amount involved. While placing reliance upon '**Damodar S. Prabhu vs. Sayed Babalal**' 2010 (5) SCC

663, he submits that in the circumstances, the application be allowed and the offences in question be compounded.

Learned counsel appearing for the respondent/complainant does not dispute the submissions made by the counsel opposite and in view of the entire amount of ₹ 5.20 lacs having been returned to the complainant as part of full and final settlement, along with 15% of the amount involved, he does not oppose the prayer for compounding of the offence.

In the circumstances, the prayer of the petitioner for compounding of the offence is allowed. The offence under Section 138 of the Act is compounded and the judgment of conviction and order of sentence dated 01.09.2015 passed by the learned Sub Divisional Judicial Magistrate, Rajpura as well as the judgment dated 04.06.2018 passed by the learned Additional Sessions Judge, Patiala are set aside.

(MANJARI NEHRU KAUL)
JUDGE

April 10, 2023
rps

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