

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRR-2581-2018

Date of decision: 28.04.2023

Manjit Singh

.....Petitioner

Versus

Shri Ram Transport Finance Company Ltd.

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. G.S. Sandhu, Advocate
for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking setting aside of the judgment of conviction and order of sentence dated 06.03.2017 passed by learned Judicial Magistrate 1st Class, Gurdaspur whereby the petitioner has been convicted for offence under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') and sentenced to undergo RI for 02 years and to pay fine of ₹2,500/-, and the order dated 17.07.2018 passed by learned Additional Sessions Judge, Gurdaspur vide which the appeal preferred by the petitioner was dismissed and conviction of the petitioner upheld.

2. Learned counsel for the petitioner submits that the matter has been compromised between the parties and the respondent/complainant has received the entire amount towards full and final settlement. He further prays to waive off the compounding fee since the petitioner is a poor person. In support, he has relied upon

Tilak Kataria Vs. State of Haryana and another : 2021(3) RCR (Criminal) 404.

3. Learned counsel appearing for the respondent submits that during the pendency of the instant petition, the parties have amicably settled their dispute and the cheque amount in question stands paid to him by the petitioner. He further submits that on account of the amicable settlement arrived at between the parties, the respondent/complainant has also issued a No Objection Certificate to him. He does not oppose the prayer made for compounding of the offence and for waiving of the compounding fee.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. In view of the fact that the parties have amicably settled their dispute and the petitioner has paid the entire amount to the respondent/complainant, the instant petition is allowed and impugned judgments and orders of conviction are set aside. The offence under Section 138 of the NI Act is hereby compounded.

6. Further, since the petitioner is a poor person coupled with the fact that the respondent/complainant has also not objected, this Court deems it appropriate to waive off the compounding fee.

28.04.2023

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**(MANJARI NEHRU KAUL)
JUDGE**

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