

S. No.239

2023:PHHC:120628

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

CRR No.2041 of 2019

Date of Decision:13.09.2023

Kavita Aggarwal

.....Petitioner

Vs.

Rajesh Bhardwaj

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Navraj Singh Mahal, Advocate for the petitioner.

None for the respondent.

DEEPAK GUPTA, J. (Oral)

Petitioner was convicted under Section 138 of the Negotiable Instruments Act vide judgment dated 14.09.2015 passed by learned Judicial Magistrate Ist Class, Jalandhar in NACT Case No.18470 of 2013 and was sentenced to undergo rigorous imprisonment for a period of one year and to compensate the complainant- respondent by paying cheque amount along with interest @ 9% per annum from the date of issuance of the cheque till date of judgment. Cheque amount was ₹1 lac.

Appeal against the said judgment of conviction and order of sentence was dismissed by learned Additional Sessions Judge, Jalandhar vide judgment dated 02.08.2019. The afore-said concurrent finding of conviction has been assailed by the petitioner by way of this revision.

On 22.08.2019, it was informed to this Court that matter had been settled between the parties as the petitioner had agreed to pay an amount of ₹1,25,000/- to the respondent. Parties were directed by this Court to appear before learned Area Magistrate for getting the statements recorded. Report was

received from learned Judicial Magistrate Ist Class, Jalandhar confirming the voluntary nature of the compromise between the parties and that the complainant-respondent had received the entire amount.

In view of the afore-said report made by learned Judicial Magistrate Ist Class, the present revision petition is accepted. The impugned judgment of conviction and order of sentence as passed by the Courts below are hereby set aside. The offence in question is permitted to be compounded which will have the effect of acquittal of the petitioner within the meaning of Section 320(8) Cr.P.C.

Disposed of.

September 13, 2023

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No