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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-44249-2023 in/and
CRR-2094-2019 (O&M)
Date of decision: 18.10.2023**

Sanjay Bhatia

....Petitioner

versus

Pratap Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Abhilaksh Grover, Advocate,
For the petitioner.

Mr. Gaurav Singla, Advocate,
For the respondent.

ARUN MONGA, J. (ORAL)

CRM-44249-2023

Application herein is for recalling the order dated 25.09.2023 (Annexure A-1) to the extent that liberty may be granted to the petitioner to make the balance payment of Rs.2,12,500/-.

For the reasons stated in the application and the same being not opposed by learned counsel for respondent, same is allowed.

Main case is restored to its original number and is taken up on Board for hearing today itself.

Main case

Instant Revision petition has been filed by petitioner against the Judgments dated 05/06.12.2018 and 03.07.2019 passed by learned Courts below whereby petitioner-accused was held guilty under Section 138 of Negotiable Instrument Act, 1881 (for short 'the Act') and sentenced to undergo simple imprisonment for nine months besides payment of compensation of Rs.7,50,000/-.

2. At the outset, learned counsel for the petitioner submits that matter stands settled at Rs.5,00,000/- as against Rs.7,50,000/- and settled amount has been paid to the complainant/respondent herein. Affidavit of respondent regarding compromise is annexed as Annexure A-2.
3. Respondent herein (complainant) does not want to pursue the case any further and has no objection if the revision petition is accepted and petitioner is acquitted.
4. Respondent is present in person along with his counsel. On a Court query, he maintains that he does not wish to press charges against the petitioner.
5. Learned counsel for complainant/respondent admits the receipt of settled amount. He also submits that respondent has no objection if appeal is accepted and petitioner is acquitted. He further urges that no useful purpose would be served by keeping the present proceedings pending.
6. The dispute herein is private in nature and parties have settled their differences and arrived at an amicable settlement, as aforesaid. Offence committed by the petitioner is civil in nature and not a crime against society at large. The criminal charges were earlier pressed by private respondent against the petitioner. It is not a case where state is the prosecutor. Respondent himself does not now want to press any charges against the petitioner and in fact, prays that instant petition be allowed or in other words his complaint against petitioner be dismissed. Parties are known to each other and wish to now live in congenially in future rather than maintaining hostility occurred due dishonor of the cheque, resulting in court proceedings *ibid*. In totality of the circumstance, I am thus of the view petitioner deserves to be acquittal.
7. As an upshot of the discussion, and also for the grounds stated in the petition and for mutual peace and future bon homie between the parties, and in the larger interest of interest, revision petition is accepted. Accordingly, the impugned orders of conviction and sentence recorded by both Courts below are set aside. Petitioner is acquitted of the charges levelled against him.
8. Perusal of case file reveals that sentence of the petitioner was suspended by a coordinate Bench of this Court vide order dated 06.09.2019.

9. Petition is allowed accordingly.
10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)

JUDGE

18.10.2023

Vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No