

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRR-1974-2022 (O&M)
Date of Decision: 3.2.2023**

Gurdev Singh

....Petitioner

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Hardeep Singh, Advocate,
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

Mr. Prashant Bansal, Advocate,
for respondent No.2.

KARAMJIT SINGH, J. (Oral)

CRM-5028-2023

Allowed as prayed for and documents Annexures P-1 and P-2
are taken on record subject to all just exceptions.

CRM-5029-2023

This is an application for bringing on record legal
representative of respondent No.2-Makhan Singh who died on 23.1.2023.
The application is supported by death certificate of the deceased.

Notice of the application.

Mr. M.S.Nagra, AAG, Punjab accepts notice on behalf of the
State while Mr. Prashant Bansal, Advocate accepts notice on behalf of
respondent No.2 and have no objection if the same is allowed and Parmeet
Singh son of respondent No.2 is impleaded as LR of the deceased.

In view of above, the present application is allowed and amended memo of parties is taken on record.

Main case

Present criminal revision petition has been filed by the petitioner against judgment dated 17.8.2022 passed by the court of Additional Sessions Judge, Patiala whereby the appeal filed by the petitioner against the judgment and order dated 8.3.2019 passed by the Court of learned Judicial Magistrate, 1st Class, Patiala whereby the petitioner was convicted and sentenced to simple imprisonment for a period of one year and compensation equivalent to ₹ 10 lakhs along with simple interest @ 9% p.a. till realisation of the amount and in case of default of compensation, simple imprisonment for a period of 3 months under Section 138 of Negotiable Instruments Act, was dismissed.

Being aggrieved, the petitioner has filed the present revision petition.

During the course of hearing on 3.2.2023, counsel for the petitioner submitted that the parties have arrived at a compromise during the pendency of the present petition and the entire settled amount has been paid by the petitioner to the respondent no.2 by way of full and final settlement of the dispute.

An application under Section 320 read with Section 147 of Negotiable Instruments Act is filed on behalf of the petitioner for permission to compound the offence punishable under Section 138 of the Negotiable Instruments Act.

Mr. Prashant Bansal, Advocate, who marked his presence on behalf of respondent No.2 admitted the factum of compromise which has

been effected between the parties vide compromise deed dated 30.1.2023 (Annexure P-1) and further admitted that the full and finall settlement of dispute has been effected between the parties and further pleaded no objection if the application for compounding of offence under Section 138 of Negotiable Instruments Act is allowed.

In view of above, it is clear that the parties have settled their dispute by way of compromise and accordingly, permission is hereby granted to the parties to compound the offence punishable under Section 138 of Negotiable Instruments Act.

Consequently, the present revision petition is allowed on the basis of the compromise and the offence punishable under Section 138 of Negotiable Instruments Act is compounded. The complaint filed by the respondent under Section 138 of Negotiable Instruments Act is dismissed and impugned judgments and orders passed by the Courts below are accordingly set aside and the petitioner is acquitted of the offence punishable under Section 138 of Negotiable Instruments Act. The petitioner, who is presently lodged in the jail, is hereby directed to be released immediately by the jail authorities concerned in case he is not required by the police in any other criminal case.

February 3, 2023

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No