

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

**CRR-2429-2019**

Date of Decision: 27.01.2023

Vikas

..... Petitioner

Versus

Jagmohan Sharma

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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

Mr. Lalit K. Gupta, Advocate, for the respondent.

**Rajesh Bhardwaj, J. (ORAL)**

The present revision petition has been filed against the order dated 17.09.2018 passed by the learned JMIC, Faridabad in complaint No.2029 no.NACT/4632 of 2016 dated 21.09.2016/26.09.2016 filed under Section 138 Negotiable Instruments Act, convicting and sentencing him to undergo simple imprisonment for a period of six months alongwith compensation of Rs.1,65,000/- to be paid to the complainant. The appeal filed by the petitioner challenging the aforesaid order was dismissed by the learned Additional Sessions Judge, Faridabad vide order dated 16.09.2019.

Learned counsel for the petitioner has submitted that during the pendency of the present revision petition, the matter was settled by the parties before the Mediation and Conciliation Centre of this Court and the petitioner agreed to pay an amount of Rs.1,30,000/- to the respondent. The settlement/compromise has been placed on record. He submits that as per ratio of judgment passed by Hon'ble Supreme Court in Damodar S. Prabhu vs. Sayed Babalal H. 2010 (2) RCR (Criminal) 851, offence under Section 138 of the Negotiable Instrument Act is compoundable. He has further stated that the petitioner has performed his part of settlement and has paid

the entire amount to the respondent and as such the present petition may kindly be accepted.

Learned counsel for the respondent has affirmed the factum of compromise effected between the parties and has also submitted that as the petitioner has performed his part of the settlement, he has no objection if the present revision petition is accepted.

Learned counsel for the petitioner has also produced on record the receipt showing deposit of costs of Rs.16,500/- being 15% of the cheque amount as ordered by this Court vide order dated 18.01.2023.

Heard.

Keeping in view abovesaid facts, the compromise effected between the parties and ratio of law laid down in Damodar S Prabhu's case (supra), offence under Section 138 of the Negotiable Instrument Act is allowed to be compounded and the petitioner is acquitted of the charges framed against him under Section 138 of the Negotiable Instrument Act. Revision petition is accordingly allowed and the impugned order dated 17.09.2018 passed by the learned JMIC, Faridabad and the order 16.09.2019 passed by the learned ASJ, Faridabad, are set aside.

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| <b>27.01.2023</b> |                           |   | <b>(RAJESH BHARDWAJ)</b> |
| <b>sharmila</b>   |                           |   | <b>JUDGE</b>             |
|                   | Whether Speaking/Reasoned | : | Yes/No                   |
|                   | Whether Reportable        | : | Yes/No                   |