

2023:PHHC:125117

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

231

CRR-2091-2023

Date of Decision: 22nd September, 2023

Paramjit

... Petitioner

Versus

Yash Paul

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Balram Singh, Advocate for the petitioner

Mr. A.S. Ahluwalia, Advocate for the respondent.

AVNEESH JHINGAN , J.(Oral)

1. This criminal revision is filed aggrieved of order dated 3.9.2022 passed by Additional Sessions Judge, Jalandhar upholding the conviction of the petitioner under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act'). Vide judgment and order dated 5.8.2017 the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year.

2. Parties during the pendency of this petition have compromised the matter and the petitioner has deposited fine in consonance with the decision of Supreme Court in ***Damodar S. Prabhu v. Sayed Babalal H., 2010(5) SCC 663.*** Copy of the receipt is produced.

3. Learned counsel for the respondent has confirmed the factum of compromise. He has no objection if the conviction of the petitioner is set aside.

4. In ***K.M. Ibrahim v. K.P. Mohammed and another, (2010)***

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“8. The golden thread in all these decisions is that once a person is allowed to compound a case as provided for under Section 147 of the Negotiable Instruments Act, the conviction under Section 138 of the said Act should also be set aside. In the case of Vinay Devanna Nayak (supra), the issue was raised and after taking note of the provisions of Section 320 Cr.P.C., this Court held that since the matter had been compromised between the parties and payments had been made in full and final settlement of the dues of the Bank, the appeal deserved to be allowed and the appellant was entitled to acquittal. Consequently, the order of conviction and sentence recorded by all the courts were set aside and the appellant was acquitted of the charge leveled against him.”

5. After hearing learned counsel for the parties and taking into consideration the fact that the parties have settled their dispute. The offence punishable under Section 138 of the Act is compounded, accordingly, the impugned judgment and order passed by the Courts below dated 5.8.2017 and 3.9.2022 are set aside. The complaint under Section 138 of the Act is dismissed and the petitioner is acquitted of the notice of accusation served upon him.

6. The revision petition is disposed of.

7. Since the main petition has been disposed of, pending application(s), if any, is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

22nd September, 2023
anuradha

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