

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

Sr. No.229

**CRR No.1796 of 2021 (O&M)
Date of Decision : February 08, 2023**

M/s Sai Enterprises and another ...Petitioners

Versus

Amandeep Singh Proprietor M/s Jay Kay Enterprises ...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Naveen Bawa, Advocate, for the petitioner.

Mr. B.R. Rana, Advocate for the respondent.

SUDHIR MITTAL, J. (ORAL)

The petitioners are the accused in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881. The said complaint was filed on account of cheque of Rs.9,34,696/- having been dishonoured. Petitioners were convicted and their appeal was dismissed and thus, the present revision petition has been filed.

Learned counsel for the parties are ad idem that during the pendency of the revision petition, the parties have settled their dispute and the cheque amount stands paid. Thus, judgment of conviction and order of sentence dated 19.12.2017 as well as appellate order dated 03.05.2018 may be set aside.

Offence under Section 138 of the Negotiable Instruments Act, 1881 is compoundable in nature. Since the petitioners have compounded the offence and counsel for the complainant has suffered a statement to the said effect, the petition is allowed. Judgment of conviction and order of sentence dated 19.12.2017 as well as appellate order dated 03.05.2018 are

set aside provided the petitioners deposit 15% of the cheque amount before the High Court Legal Service Authority within two weeks from today in view of the judgment of the Hon'ble Supreme Court in ***Damodar S. Prabhu vs. Sayed Babalal, 2010(5) SCC 663.***

Pending miscellaneous application(s) if any also stands disposed of.

February 08, 2023
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No