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

**CRR NO. 2137 OF 2023 (O&M)
DATE OF DECISION: 22.09.2023**

Sandeep Kumar**...Petitioner****Versus****State of Punjab and another****...Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Kuldip Singh, Advocate,
For the petitioner.

Mr. Dhruv Dayal, Addl. AG, Punjab.

Mr. Nitish, Advocate,
For respondents No.2 (i) to (iii).

ARUN MONGA, J. (ORAL)

CRM-40290-2023

For the reasons stated in application, same is allowed and compromise dated 09.09.2023 contained at Annexure P-1 is taken on record, subject to all just exceptions.

CRR-2137-2023

Instant Revision petition has been filed by petitioner against the Judgments dated 25.11.2019 and 17.08.2023 passed by learned Courts below whereby petitioner-accused was held guilty for commission of the offence punishable under Section 138 of Negotiable Instrument Act, 1881 (for short 'the Act') and sentenced to undergo rigorous imprisonment for a period of two years besides payment of fine of Rs.10,000/-.

2. Succinct facts first, as pleaded in the petition.

2.1. Complainant/respondent herein had filed a complaint under Section 138 of the Act against petitioner herein on the allegations that in order to discharge his legal liability, accused (petitioner herein) issued a cheque for an amount of Rs.2,50,000/-. When presented, the cheque bounced due to insufficient funds. A demand notice dated 14.06.2016 was also served but no reply was filed. Respondent filed complaint under Section 138 of the Act. After completion of trial, learned Judicial Magistrate 1st Class, Abohar, vide judgment of conviction and order of sentence dated 25.11.2019 convicted and sentenced the petitioner, as aforesaid. Being aggrieved, petitioner preferred criminal appeal, which was also dismissed by learned Sessions Judge, Fazilka, vide judgment dated 17.08.2023. Hence the instant revision petition.

3. Learned counsel for petitioner, at the outset, submits that parties have mutually settled the matter vide compromise dated 09.09.2023 (Annexure P-1). He seeks compounding of the offence and disposal of the instant revision petition on the basis of compromise arrived at between the parties.

5. Learned counsel for respondent No.2 herein (complainant) submits that he does not want to pursue the case any further and has no objection if the petitioner herein is acquitted.

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 respondent against the petitioner and now he does not wish to do so. 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 acquitted.

7. As an upshot of the discussion and for mutual peace and future bonhomie between the parties, and in the larger interest of justice, revision petition is accepted. Accordingly, the impugned judgments/ orders of conviction and sentence recorded by both Courts below are set aside. Petitioner is acquitted of the charges levelled against him. In case petitioner is in custody, he be released forthwith, if not required in any other case.

8. Petition is allowed accordingly.

CRM-40291-2023

Since main revision petition has already been allowed vide order of even date, instant application for suspension of sentence is rendered infructuous and disposed of accordingly.

SEPTEMBER 22, 2023
Shalini

(ARUN MONGA)
JUDGE

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