

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

**Neutral Citation No. 2023:PHHC:145512
CRR-2128-2023 (O&M)
Date of Decision: November 16, 2023**

Mehak Sharma

...Petitioner

Versus

Rakesh Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Aditya Dassaur, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred as 'the N.I. Act'), vide judgment dated 07.01.2023 passed by learned Judicial Magistrate 1st Class, Ludhiana in criminal complaint No.PBLD03006466/2014, titled as "Rakesh Kumar v. Mehak Sharma" and was sentenced to undergo rigorous imprisonment for a period of one year. She was further asked to pay compensation amount of ₹55,000/-, i.e. cheque amount along with interest @ 9% per annum from the date of issuance of cheque till date. The appeal against the aforesaid judgment of conviction and order of sentence was dismissed by learned Addl. Sessions Judge, Ludhiana, on 01.09.2022 and conviction warrants of the petitioner were directed to be issued.

Although in this revision, the conviction by the Trial Court, which is affirmed by the Court of Sessions, is challenged on the various grounds, but it is submitted by learned counsel for the petitioner that matter has since been compromised amongst the parties.

Notice of motion to respondent No.1 only.

Ms. Monika Jangra, Advocate has appeared and filed her power of attorney on behalf of respondent No.1-complainant.

Copy of the compromise effected amongst the parties, has been placed on record.

Learned counsel for respondent No.1-complainant concedes that the entire payment as per settlement amongst the parties has been received by respondent No.1-complainant.

The offence under Section 138 of the N.I. Act is compoundable in nature. Compounding can be allowed at any stage.

Since the matter has been settled amongst the parties, therefore permission is granted to the parties to compound the matter. As such, the impugned judgment of conviction dated 07.01.2023 passed by the Trial Court and as affirmed by the Appellate Court vide order dated 01.09.2023 along with the order of sentence are hereby set aside. The petitioner is acquitted of the charges on account of compounding of offence within the meaning of Section 320(8) Cr.P.C.

Disposed of. All the accompanied applications also stand disposed of.

November 16, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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