

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-3095-2019
Decided on : 01.03.2023

Gurdeep Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Promila Nain, Advocate with
Ms. Harleen Ahluwalia, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. M.S.Saini, Advocate for respondent No.2.

Manjari Nehru Kaul, J.(Oral)

The petitioner is impugning the judgment of conviction and order of sentence dated 16.07.2014 vide which he was sentenced to undergo rigorous imprisonment for a period of one year along with payment of fine of Rs.5,000/- under Section 138 of Negotiable Instruments Act (hereinafter referred to as 'the Act'). The Appellate Court vide judgment 20.07.2019 upheld the order of conviction passed by the trial Court.

Learned counsel for the petitioner has submitted that out of an amount of Rs.4 lakhs settled between the parties, the complainant had already received an amount of Rs.2,89,000/- from the petitioner. Qua the remainder of the amount i.e. Rs.1,11,000/- the matter had been compromised between the petitioner and the complainant, before the Mediation and Conciliation Centre of this Court on 02.02.2023. In support of his

submissions, learned counsel has drawn the attention of this Court to the settlement dated 02.02.2023 (Annexure “A”). Learned counsel, thus, prays that in the above-mentioned facts and circumstances, the conviction of the petitioner be set aside and he be acquitted of offence under Section 138 of the Act. It has also been submitted that the petitioner is not involved in any other criminal case much less under Section 138 of the Act.

Learned counsel appearing for respondent No.2 does not dispute the submissions made by the counsel opposite qua the parties having compromised the matter. Learned counsel on further instructions does not oppose the prayer made by counsel opposite for setting aside the conviction of the petitioner and acquitting him of offence under Section 138 of the Act.

Heard learned counsel for the parties and perused the relevant material on record.

The petitioner was convicted for an offence under Section 138 of Negotiable Instruments Act, 1881 and was sentenced to undergo rigorous imprisonment for a period of one year and also directed to pay a fine of Rs.5,000/- vide judgment of conviction and order of sentence dated 16.07.2014. The offence under Section 138 of Negotiable Instruments Act, 1881 is essentially private in nature and is compoundable in nature. Admittedly, the parties have amicably settled their dispute as is evident from the settlement annexed as Annexure “A”.

This Court is therefore of the considered opinion that continuation of prosecution will not serve any useful purpose in the above facts and circumstances. Accordingly, the revision petition is allowed and

the judgment dated 20.07.2019 passed by the Addl. Sessions Judge, SAS Nagar (Mohali) and the judgment of conviction and order of sentence dated 16.07.2014 passed by the Judicial Magistrate, 1st Class, SAS Nagar, Mohali are hereby set aside and petitioner is accordingly acquitted.

(MANJARI NEHRU KAUL)
JUDGE

01.03.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No