

(229)

2023:PHHC:065761

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

CRR No.2805 of 2022 (O&M)

Date of Decision: May 08, 2023

**M/s Aarav Enterprises Prop. Through its proprietor Karan Nanda
...Petitioner**

Versus

**M/s Aadi Home Coll., through its prop. Rakesh Kumar and another
...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sahil Khunger, Advocate for the petitioner.

Mr. Rakesh Kumar, Proprietor of respondent No.1-
M/s Aadi Home Coll., - complainant in person.

DEEPAK GUPTA, J.(Oral)

Petitioner was convicted under Section 138 of the Negotiable Instruments Act vide judgment dated 16.02.2019 in complaint case bearing No.NACT-2584 of 2016 titled "M/s Aadi Home Collection Vs. M/s Aarav Enterprises Proprietorship and was sentenced to undergo simple imprisonment for a period of one year and also to pay a fine of ₹2.2 lac out of which ₹2.17 lac was to be paid as compensation to the complainant. Appeal filed against the said judgment of conviction and order of sentence was dismissed by learned Additional Sessions Judge, Panipat on 07.05.2022. Against the aforesaid judgments, this revision has been filed by the petitioner.

It is submitted that the matter has since been compromised.

Copy of compromise Ex.P1 is placed on record.

Today, Mr. Rakesh Kumar, the proprietor of respondent-complainant is present in person and he admits the factum of

compromise. He also concedes that the entire amount as per the amicable settlement arrived at between the parties has already been received by him.

In view of the above, both the impugned judgments of conviction and order of sentence passed by the Courts below, are hereby set aside considering the fact that offence under Section 138 of the Negotiable Instruments Act is compoundable and compounding can be permitted at this state. Consequent to this order, the appellant shall stand acquitted within the meaning of Section 320(8) Cr.P.C.

Disposed of.

May 08, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No