

221

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

**CRR-194-2020 (O&M)
Date of Decision: 13.04.2023**

Darshan Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Mahak Bedi, Advocate for
Mr. Vivek K. Thakur, Advocate for petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Varinder Singh, Advocate for
Mr. Angad Parmar, Advocate for
LRs of respondent No.2

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SANJIV BERRY, J. (ORAL)

In the present criminal revision the petitioner has assailed the judgment dated 03.10.2017 vide which learned Additional Sessions Judge, Kapurthala, upheld the judgment dated 28.04.2017, passed by the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, whereby, the petitioner was convicted under Section 138 of Negotiable Instrument Act (for short 'the Act') and sentenced to undergo rigorous imprisonment for one year and pay compensation of ₹4,51,000/-.

2. During the course of pendency of this petition, it had been represented by the petitioner that the matter has been amicably resolved amongst the parties and consequently this Court vide order dated 23.11.2022

had directed the parties to appear before the Trial Court/Illaq Magistrate and to get their statements recorded qua the factum of compromise.

3. Report of learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi has been received, as per which the statements of the parties have been recorded and it has been opined that the parties have voluntarily entered into a compromise and that the compromise/settlement is genuine and not the result of any pressure or coercion.

4. In view of the afore stated position, the compromise/settlement as entered into amongst the parties is accepted and the impugned order dated 03.10.2017 passed by learned Additional Sessions Judge, Kapurthala; judgment dated 28.04.2017 and order of sentence dated 28.04.2017 passed by learned Sub Divisional Judicial Magistrate Sultanpur Lodhi, are hereby set aside and the petitioner is hereby acquitted of the charges.

5. Since, it is a case where complaint under Section 138 of Negotiable Instruments Act had been filed i.e. for dishonour of a cheque bearing No.035871 dated 03.11.2015 of an amount of ₹4,00,000/- and the complainant have compromised for a total payment of ₹4,51,000/-, the contention of the petitioner that he is not possessed of sufficient means to further deposit any costs is accepted and this Court deems appropriate not to impose any cost of litigation etc. upon the petitioner.

6. The revision petition stands allowed accordingly.

(SANJIV BERRY)
JUDGE

13.04.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No