

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

120

2023:PHHC:164844

CRR-2939-2023 (O&M)

Date of decision: December 21st, 2023

Sukhdeep Bhullar @ Sukhdip Bhullar

.....Petitioner

Versus

Tarsem Lal and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vishal Sharma (Vasudeva), Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-54088-2023

Prayer in this application is for condonation of delay of
333 days in filing the petition.

For the reasons mentioned in the application, which is duly
supported by an affidavit of the counsel, the same is allowed.

Delay of 333 days in filing the appeal stands condoned.

CRM-54089-2023

Application is allowed subject to just exceptions.

CRR-2939-2023 (O&M)

The petitioner is impugning the judgment dated
21.10.2022 passed by learned Additional Sessions Judge, Hoshiarpur,
vide which his appeal has been dismissed while affirming the judgment
dated 12.02.2018 passed by learned Judicial Magistrate 1st Class,
Hoshiarpur, whereby the petitioner has been convicted for offence
under Section 138 of the Negotiable Instruments Act, 1881 (for short,
'the NI Act') and sentenced to undergo simple imprisonment for 01 year
and to pay fine to the tune of ₹2,000/-.

2. The petitioner has also filed an application bearing CRM No.54090 of 2023 under Section 320 of the Cr.P.C. read with Section 482 of the IPC for compounding of the offence on the basis of compromise arrived at between the parties.

3. Learned counsel for the petitioner, *inter alia*, contends that subsequent to his conviction under Section 138 of the Negotiable Instruments Act vide order dated 12.02.2018 by learned Judicial Magistrate 1st Class, Hoshiarpur, the parties had effected a compromise by way of compromise deed dated 24.11.2023 (Annexure P-2) as the cheque amount in question stood paid to the complainant and which had subsequently been also accepted by him. A prayer has, therefore, been made for compounding the offence on the basis of compromise arrived at between the parties. In support, he has relied upon ***Tilak Kataria Vs. State of Haryana and another 2021(3) RCR (Criminal) 404.***

4. Mr. Manjinder Singh Saini, Advocate, has entered appearance on behalf of respondent No.1-complainant and filed his power of attorney, which is taken on record subject to just exceptions. Learned counsel for the complainant does not dispute the submissions made by the counsel opposite and also does not oppose his prayer for compounding the offence.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In view of the fact that the parties have amicably settled their dispute and the petitioner has paid the entire amount to the respondent/complainant, CRM-54090-2023 is allowed and the offence under Section 138 of the N.I. Act is hereby compounded.

7. Since, the application for compounding of offence is allowed, the instant revision petition is also allowed and impugned judgments and order of conviction are set aside.
8. Pending application, if any, stands disposed of.

December 21st, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No