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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-29-2023
Date of decision: 18.03.2024

Raminder

...Petitioner

Versus

M/s Kotak Mahindra Bank Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Parveen Kumar Garg, Advocate for the petitioner.

Mr. Arun K. Vasudeva, Advocate for
Mr. Inderjeet Singh, Advocate for the respondent Bank.

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KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioner/ accused seeking setting aside of judgment dated 07.12.2022 passed by the Court of Additional Sessions Judge, Chandigarh whereby the appeal filed by petitioner against judgment and order dated 01.06.2017 passed by the Court of Judicial Magistrate Ist Class, Chandigarh, whereby petitioner was convicted and sentenced to RI for one year and to pay compensation of Rs.1,96,529/- under Section 138 of Negotiable Instruments Act (for brevity NI Act), was dismissed.

2. The brief facts of the case are that respondent bank filed criminal complaint No. 2731/ 2016 under Section 138 NI Act against the petitioner on account of dishonor of cheque of Rs.Rs.1,96,529/- dated

20.10.2014 issued by the petitioner in its favour. On completion of trial, the petitioner was convicted and sentenced as is detailed above vide, judgment and order dated 01.06.2017. Being aggrieved, petitioner filed appeal which was also dismissed by the Court of Additional Sessions Judge, Chandigarh vide judgment dated 07.12.2022. Still being not satisfied petitioner filed the present revision petition.

3. During the pendency of the revision petition, the parties effected compromise and as such both the parties were directed to appear before the Illaqa Magistrate/trial Court concerned vide order dated 24.02.2023. In compliance of the said order, the parties got recorded their statement and report to this effect is also received from the Court concerned. From the perusal of the aforesaid statements coupled with the report submitted by the Court concerned, it appears that the parties have settled their dispute.

4. Today, counsel for respondent bank stated at bar that the entire settled amount has been paid by the petitioner to the respondent bank and now nothing is due against the petitioner and the respondent bank is having no objection if offence under Section 138 NI Act is compounded and petitioner is acquitted. The counsel for the petitioner has also admitted the factum of compromise and made prayer that offence punishable under Section 138 NI Act be compounded in the present case.

5. In the light of the above, it stands proved that the matter has been compromised between the parties and as such the parties are permitted to compound the offence under Section 138 of the Act in aforesaid criminal complaint No. 2731/2016 titled M/s Kotak Mahindra Bank Limited Vs.

Raminder. The aforesaid criminal complaint and all the consequential proceedings therein are ordered to be quashed, the offence under Section 138 of the Act having been compounded.

6. Consequently, the present petition is allowed and petitioner is acquitted of an offence punishable under Section 138 NI Act.

18.03.2024 **(KARAMJIT SINGH)**
Yogesh **JUDGE**

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