



CRR-28-2023 (O&M)

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

(280)

CRR-28-2023 (O&M)

Date of Decision : 03.12.2024

Arun

...Petitioner

Versus

Jagat Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Anter Singh Brar, Advocate
for the petitioner.

Mr. Manoj K. Tanwar, Advocate
for the respondent No.1.

Mr. Abhinash Jain, DAG, Haryana
for respondent No.2.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant revision petition, the petitioner has assailed the verdict of conviction, and consequent thereto, order of sentence dated 15.01.2018 and 16.01.2018, respectively, whereby, the learned Judicial Magistrate Ist Class, Rohtak, has convicted the petitioner for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter, referred to as the 'N.I. Act'), and, sentenced him to undergo rigorous imprisonment for two years, and to pay 50% of the cheque amount, as compensation to the complainant, and in default of payment of fine, the convict shall further undergo rigorous imprisonment for two months.

2. In addition, the petitioner has also assailed the verdict dated 30.11.2022, whereby, the learned Additional District and Sessions Judge,



Rohtak, has dismissed the statutory appeal filed by the petitioner, and upheld the verdict of conviction and order of sentence (supra).

3. In pursuance to challenge to the impugned order, learned counsel for the petitioner submits, that during the pendency of the instant petition, the matter has been amicably settled/compromised, between the parties concerned, and therefore, this Court, vide order dated 21.03.2024, had passed the hereinafter extracted order, upon the instant petition :-

“1. The learned counsel for the petitioner (in CRR-28-2023) submits that, in case, the interim bail granted to the petitioner is extended for a further period of 15 days, the petitioner is ready and willing to settle the matter.

2. The learned counsel for the respondent No.1 (in CRR-28-2023) submits that, in case, the petitioner is ready and willing to pay a total sum of Rs.7,00,000/-, the respondent No.1 is also ready and willing to settle the matter with the petitioner.

3. At this stage, the learned counsel for the petitioner (in CRR-28- 2023) submits that, in order to show his bona fide intention, the petitioner is ready to furnish a demand draft of Rs.2,00,000/- in favour of the respondent No.1 (in CRR-28-2023).

4. Considering the innocuous prayer made by the learned counsel for the petitioner (in CRR-28-2023), the interim bail, as already granted to the petitioner, is extended upto the subsequent date of hearing. Moreover, the petitioner concerned is also directed to, on the subsequent date of hearing, produce before this Court a demand draft of Rs.2,00,000/- drawn in favour of the respondent concerned.

5. List on 16.04.2024.

6. A photocopy of this order be placed on file of connected case.”



4. It is apt to mention here that two cheques of Rs.7,00,000/-, were in dispute, for which the petitioner has suffered two different orders of conviction, and the second order of conviction is challenged, by filing CRR No.2670 of 2018, which is also heard along with the instant petition.

5. Mr. Manoj K. Tanwar, Advocate, has caused appearance on behalf of the respondent No.1/complainant, before this Court today, and admit the factum of compromise, *inter se* the parties concerned. He further informs this Court today, that the entire compromise amount has now been paid to the complainant, and he has no objection, in case the matter is compromised in view of Section 147 of N.I. Act, and the charges, which are framed against the present petitioner, are compounded, and the petitioner is acquitted of the charges framed against him.

6. This Court has heard the learned counsel for the parties concerned, and has gone through the record with their able assistance.

7. The Hon'ble Supreme Court in *Shakuntla Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63*, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

8. Be that as it may, keeping in view the fact that, the matter has been amicably settled/compromised between the parties concerned, and the offence in question are compoundable, and that, compounding can be allowed at any stage, this Court is constrained to allow the instant petition.

9. Consequently, the instant revision petition is **allowed**, and, the petitioner is **acquitted** of the charges/notice of accusation framed against



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15.01.2018 and 16.01.2018, respectively, as passed by the learned Judicial Magistrate Ist Class, Rohtak, are **set aside**. Furthermore, the impugned verdict dated 30.11.2022, whereby, the learned Additional District and Sessions Judge, Rohtak, had upheld the conviction of the petitioner, is also **set aside**, and the petitioner is acquitted of the charges framed against him.

10. All pending application(s), if any, stand **disposed of accordingly**.

(KULDEEP TIWARI)
JUDGE

December 03, 2024
Manpreet

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