



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRR-87-2024 (O&M)

Date of decision: 31.07.2024

Jagdev Singh

.....Petitioner

Versus

Pritam Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajveer Singh Brar, Advocate for
Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Khushkaran Kumar, Advocate
for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking setting aside of the judgment of conviction and order of sentence dated 18.10.2022 passed by learned Sub Divisional Judicial Magistrate, Baghapurana 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 RI for 02 years and to pay compensation of ₹1,70,000/-, and the order dated 03.01.2024 passed by learned Additional Sessions Judge, Moga vide which the appeal preferred by the petitioner was dismissed and conviction of the petitioner upheld.

2. Learned counsel for the petitioner submits that the matter has been compromised between the parties and the respondent/complainant has received the entire amount towards full and final settlement. In support, he has relied upon ***Tilak Kataria Vs. State***



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of Haryana and another : 2021(3) RCR (Criminal) 404.

3. Vide order dated 02.04.2024 the parties were directed to appear before the Chief Judicial Magistrate/Trial Court concerned on 16.04.2024 for getting their statements recorded with regard to the compromise so effected between them.

4. Report has since been received from learned Sub Divisional Judicial Magistrate, Baghapurana, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the present complaint is compounded.

5. Learned Sub Divisional Judicial Magistrate, Baghapurana has annexed copies of statements of the parties along with report.

6. In view of the report received from the learned Sub Divisional Judicial Magistrate, Baghapurana that the parties have amicably settled their disputes and the petitioner has paid the entire amount to the respondent/complainant, the instant petition is allowed and and impugned judgments and orders of conviction are set aside. The offence under Section 138 of the NI Act is hereby compounded.

31.07.2024

Vinay

(MANJARI NEHRU KAUL)**JUDGE**

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