

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

CRR-156-2024(O&M)

Date of Decision:-08.02.2024

Hari Singh.

.....Petitioner.

Versus

Satpal.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mrs. Sunita Shekhawat, Advocate for the Petitioner.

Mr. Rohit Kumar Rana, Advocate for the respondent.

JASJIT SINGH BEDI, J.(ORAL)

CRM-3643-2024

The prayer in the application under Section 320 Cr.PC and Section 482 Cr.PC read with Section 147 of Negotiable Instruments Act 1881 is for compounding the offence as the matter has been settled between the parties vide compromise deed dated 16.01.2024 (Annexure P-1).

Allowed as prayed for subject to all just exceptions.

CRR-156-2024(O&M)

The present revision petition has been filed against the judgment dated 20.12.2023 passed by the Sessions Judge, Narnaul, vide which the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 14.06.2023 passed by learned ACJM Narnaul has been dismissed.

2. The brief facts of the case are that in discharge of his legal liability, the petitioner issued a cheque bearing No.351218 dated 15.01.2018 for an amount of Rs.2,70,000/- in favour of the respondent/complainant which came to be dishonoured. Pursuant thereto, the petitioner/accused came to be summoned under the provisions of the 138 of the Negotiable Instruments Act, 1881 vide order dated 20.08.2018 passed by the Additional Chief Judicial Magistrate, Narnaul.

3. The evidence was led and ultimately, the petitioner/accused was held guilty and accordingly, convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for a period of 01 year. The accused was also ordered to pay an amount of Rs.5,40,000/- as compensation to the respondent/complainant.

4. Aggrieved against the said judgment of conviction and order of sentence, the accused preferred an appeal before the Sessions Judge, Narnaul, which came to be dismissed on 20.12.2023.

5. Still aggrieved, the present revision petition has been preferred by the accused. Pursuant to the dismissal of the appeal, a compromise has been arrived at between the parties on 16.01.2024 (Annexure P-1).

6. It would be relevant to mention here that a combined reading of Section 147 of the Negotiable Instruments Act along with Section 320 Cr.P.C. would establish that where a settlement has been effected, the offence under Section 138 of the Negotiable Instruments Act can be compounded on account of the fact that a mutual compromise has been arrived at between the parties.

7. The learned counsel for the complainant has accepted the factum of the compromise and states that he has no objection if the petitioner

is acquitted of the charges framed against him.

8. I have heard the learned counsel for the parties.

9. This Court in '**Ramesh Chander Vs. State of Haryana and another, 2007(1) RCR (Criminal) 245**' held as under:-

“4. As per the provisions of Section 147 of the Act, the offence under Section 138 is compoundable. Section 147 reads as under:-

“Offence to be compoundable-

Notwithstanding anything contained in the Criminal Procedure Code, 1973(2 of 1974), every offence punishable under this Act shall be compoundable”.

5. The compounding of the offence under Section 138 can be done during the trial of the case as well as by the High Court or Court of Session while acting in the exercise of its power of revision under Section 401 Criminal Procedure Code Reference may be made to Section 320(6) Criminal Procedure Code in this regard.

6. Further, under Section 320(8) Criminal Procedure Code the composition of an offence shall have the effect of acquittal of the accused with whom the offence has been compounded.”

10. This Court in '**Vatsa Electronics Vs. Pala Ram & Anr. decided on 09.03.2022 in CRR-1585-2019**' has also held that once a settlement is being effected, then in terms of Section 147 of the Negotiable Instruments Act and Section 320 Cr.P.C., the accused ought to be acquitted as the offence stands compounded.

11. The admitted position is that the matter stands settled and the compromise/settlement between the parties dated 16.01.2024 (Annexure P-1) is already on record.

12. In view of the above, since, the parties have voluntarily settled the disputes between themselves, it is a fit case for allowing them to compound the offence.

13. Accordingly, the revision petition is allowed and the judgment

dated 20.12.2023 passed by the Sessions Judge, Narnaul and the judgment of conviction and order of sentence dated 14.06.2023 passed by the Additional Chief Judicial Magistrate, Narnaul are hereby set aside. The petitioner is acquitted of the charges under Section 138 of the Negotiable Instruments Act.

(JASJIT SINGH BEDI)
JUDGE

February 08, 2024
Vinay

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