



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

280

**CRM-M-5363-2024 (O&M)
Date of Decision : 24.09.2024**

ROSHAN LAL**-PETITIONER****V/S****STATE OF HARYANA AND ANOTHER****-RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana

Mr. Vinod Pundir, Advocate for
Mr. Deep Singh Saini, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. In the instant petition prayer is made for quashing of the judgment of conviction dated 11.12.2018, and order of sentence dated 13.12.2018, passed by the learned JMIC, Yamuna Nagar, at Jagadhari, in Criminal Complaint under Section 138 of Negotiable Instruments Act, bearing Criminal Complaint No.1286 of 2016, on the basis of compromise deed dated 19.01.2024 (Annexure P-3).

2. Respondent No.2 filed a criminal complaint against the petitioner under Section 138 of the Negotiable Instruments Act, and the learned trial Court vide judgment dated 11.12.2018 convicted the present petitioner for the charges framed against him and sentenced him as under :-

“to undergo R.I. for a period of 01 year and to pay



compensation to the tune of Rs.3,000/- (Rupees thirty thousand only), in terms off Section 357(3) Cr.P.C. to the complainant within two months from that day. In default of payment of compensation, the petitioner has been sentenced to further R.I. for three months.”

3. The petitioner was granted bail by the learned trial Court in order to challenge the order of conviction and sentence, however, the petitioner did not challenge the judgment of conviction and order of sentence (supra), and even did not surrender before the learned trial Court concerned, to honour the sentence imposed upon him. This Court vide order dated 13.09.2024, directed the petitioner to surrender before the trial Court concerned on dated 16.09.2024. Now, in pursuance to the direction issued by this Court, the petitioner surrendered before the learned trial Court, and he was taken into the judicial custody.

4. Consequent, upon a ray of hope regarding amicable settlement becoming stemmed from the submissions advanced by the learned counsel for the petitioner, and an affirmative response from the learned counsel for the respondent No.2, *qua* the compromise dated 19.01.2024 (Annexure P-3), this Court through an order drawn on dated 23.07.2024, upon the instant petition, directed the parties to appear before the learned trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise dated 19.01.2024 (Annexure P-3). Moreover, the learned trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

5. Consequent to the making of the directions (supra), the parties appeared before the Judicial Magistrate Ist Class, Yamuna Nagar at



Jagadhri, and got their respective statements recorded, thereby authenticating the compromise dated 19.01.2024 (Annexure P-3). Accordingly, in compliance of the directions (supra) of this Court, a Report bearing No. 9533 dated 23.08.2024, has been received from the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, wherein, a satisfaction has been recorded by the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri *qua* the compromise (supra) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

6. Mr. Deep Singh Saini, learned counsel appearing on behalf of respondent No.2, admits the factum of settlement/compromise between the parties. He further submits that, in view of the settlement agreement, the respondent has no objection in case the petitioner is acquitted from the charges framed against him, and consequently the judgment of conviction and order of sentence is set aside.

7. This Court has heard counsel for the parties concerned, and have gone through the entire case file.

8. 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.....”

9. Be that as it may, keeping in view the fact that: (i) the dispute has been amicably settled between the parties, as is evident from the settlement deed dated 19.01.2024; (ii) the settlement deed (supra) embodies



the “No Objection” of the respondent/complainant regarding setting aside of petitioner’s conviction; (iii) the offence in question is compoundable; and (iv) compounding can be allowed at any stage, this Court deems it appropriate to allow the instant petition.

10. Consequently, the instant petition is **allowed**, and, the petitioner is **acquitted** of the charges/notice of accusation framed against him. The impugned verdict of conviction dated 11.12.2018 and the consequent thereto order of sentence dated 13.12.2018, as passed by the learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, is set aside.

12. The petitinoer is directed to be released from custody forthwith, if not required in any other case. His bail bonds and surety bonds, if any, also stand discharged.

13. The respondent/complainant is at liberty to, by making an appropriate application, withdraw the amount deposited, if any, by the petitioner with the learned trial Court concerned.

14. All pending application(s) stand disposed of accordingly.

24.09.2024
Satyawar

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No