

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-233 of 2024(O&M)
Date of Decision: 12.03.2024

Satinderpal Singh & Anr. ...Petitioners
Versus
Gagan Jindal ...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr.Gauravjit Singh Jagpal, Advocate
For the petitioners.

Mr. G.S. Bains, Advocate
For the respondent.

KARAMJIT SINGH, J.

1. The present revision petition has been filed by the petitioners/accused seeking setting aside of judgment dated 23.01.2019 passed by the Court of Additional Sessions Judge, Ludhiana whereby the appeal filed by petitioners against judgment and order dated 06.06.2013 passed by the Court of Judicial Magistrate Ist Class, Ludhiana, whereby petitioner No.1 being proprietor of petitioner No.2 was convicted and sentenced to RI for one year and to pay compensation equivalent to amount of cheques in question and in default to further undergo imprisonment for one month under Section 138 of Negotiable Instruments Act (for brevity NI Act), was dismissed.
2. The brief facts of the case are that respondent Gagan Jindal filed criminal complaint No. 98/ 2011 under Section 138 NI Act against the petitioners on account of dishonor of two cheques of Rs.12,30,000/- and

Rs.1,10,000/- respectively. On completion of trial, the petitioner No.1 being proprietor of petitioner No.2 was convicted and sentenced as is detailed above vide judgment and order dated 06.06.2013. Being aggrieved, petitioners filed appeal which was also dismissed by the Court of Additional Sessions Judge, Ludhiana vide judgment dated 23.01.2019. Still being not satisfied petitioners filed the present revision petition.

3. On the last date of hearing petitioners filed an application under Section 320(6) Cr.P.C. read with Section 147 of NI Act seeking compounding of offence punishable under Section 138 of NI Act.

4. Today, respondent/ complainant Gagan Jindal appeared in Court along with his counsel and he stated that matter has been compromised between the parties and now nothing is due against the petitioners. Respondent further made statement that he is having no objection if offence under Section 138 NI Act is compounded and the petitioners are acquitted. Even petitioner No.1 who has appeared in person has endorsed the aforesaid statement made by respondent 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. 98/2011 titled Gagan Jindal Vs. Satinder Pal Singh, Proprietor, Dashmesh Kids Plaza & Anr. 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 petitioners are acquitted of an offence punishable under Section 138 NI Act .

12.03.2024
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(KARAMJIT SINGH)
JUDGE

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