

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.10998-99 of 2024 in/and
CRR No.577 of 2020 (O&M)

Date of decision: 18th March, 2024

Shashi Adlakha

... Petitioner

Versus

M/s Ganga Life Science Pvt. Ltd.

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Gaurav Verma, Advocate for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.10998 of 2024

In view of the averments made in the application and in the interest of justice, the same is allowed and the date of hearing in the revision petition is advanced from 18.09.2024 to today. Let the arguments be heard.

CRM No.10999 of 2024

In view of the averments made in the application and in the interest of justice, the same is allowed as prayed for and the affidavit (Annexure A-1) filed on behalf of the complainant/respondent is taken on record.

CRR No.577 of 2020 (O&M)

1. The petitioner is impugning the judgment of his conviction dated 13.04.2018 and order of sentence dated 16.04.2018 passed by the learned Judicial Magistrate 1st Class, Faridabad which was upheld by the learned Additional Sessions Judge, Faridabad vide judgment dated 24.01.2020.

2. While drawing the attention of this Court to Annexure A-1, which is an affidavit filed by Sunil Kushvaha, i.e. authorized signatory of the respondent/complainant, learned counsel for the petitioner submits that during the pendency of the instant revision petition, the parties have amicably resolved all their disputes and hence in the circumstances, a prayer for compounding of the offence under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as, 'the Act') has been made. In support, learned counsel has placed reliance upon judgment of the Hon'ble Supreme Court in '**A.T. Sivaperumal Vs. Mohammed Hyath (D) By Lrs.**' 2017(2) R.C.R. (Criminal) 453 and in '**A.J. Asana Vs. Sittrarasu**' 2019(5) R.C.R. (Criminal) 568.

3. Learned counsel appearing on behalf of the complainant/respondent does not dispute the submissions made by the counsel opposite that subsequent to the conviction of the petitioner for offence under Section 138 of the Act, vide which he was sentenced to

undergo simple imprisonment for six months and to pay a compensation in the sum of ₹ 2.34 lacs to the complainant, the parties have amicably resolved their disputes. He also does not oppose the prayer made by learned counsel for the petitioner for compounding of the offence under Section 138 of the Act and disposing of the instant revision petition accordingly.

4. In view of the settlement arrived at between the parties and the concurrence shown by learned counsel for both the parties, as also the ratio of law laid down by Hon'ble the Apex Court in **A.T. Sivaperumal's case** (supra) and in **A.J. Asana's case** (supra), the instant revision petition is allowed. The offence under Section 138 of the Act is compounded and the judgment of conviction dated 13.04.2018 and order of sentence dated 16.04.2018 passed by the learned Judicial Magistrate 1st Class, Faridabad as well as the judgment dated 24.01.2020 passed by the learned Additional Sessions Judge, Faridabad are set aside.

5. Needless to say, the parties shall remain bound by the terms of settlement so arrived at between them.

(MANJARI NEHRU KAUL)
JUDGE

March 18, 2024
rps

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