

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

115

2024:PHHC:019083

CRM-5872-2024 in/and

CRR-528-2023 (O&M)

Date of decision: February 12th, 2024

Harpreet Singh

.....Petitioner

Versus

Gurpreet Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

MANJARI NEHRU KAUL, J. (ORAL)

CRM-5872-2024

Prayer in this application is for compounding of the offence under Section 138 of the Negotiable Instruments Act on the basis of compromise arrived at between the parties and for setting aside the judgment dated 27.11.2019 passed by the learned trial Court.

2. Request has also been made for preponement of the hearing of the main petition, which is now listed for hearing on 16.04.2024.

3. Notice of the application.

4. Mr. Vikas Bishnoi, Advocate, has put in appearance on behalf of respondent No.1.

5. On the asking of the Court, Mr. Amit Rana, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.2.

6. On oral request of learned counsel for the applicant-petitioner, hearing of the main case is preponed to today.

7. Learned counsel for the petitioner, *inter alia*, contends that subsequent to his conviction under Section 138 of the Negotiable

Instruments Act vide order dated 27.11.2019 by learned Judicial Magistrate 1st Class, Ferozepur, which was affirmed vide order dated 06.02.2023 passed by learned Additional Sessions Judge, Fast Track Court, Ferozepur, the parties had effected a compromise by way of compromise deed dated 18.03.2023 (Annexure P-1) as the cheque amount in question stood paid to the complainant and which had subsequently been also accepted by him. A prayer has, therefore, been made for compounding the offence on the basis of compromise arrived at between the parties. In support, he has relied upon *A.T. Sivaperumal Vs. Mohammed Hyath (D) By Lrs.’ 2017 (2) R.C.R. (Criminal) 453 and A.J. Asana Vs. Sittrarasu 2019 (5) R.C.R. (Criminal) 568.*

8. Learned counsel for the complainant does not dispute the submissions made by the counsel opposite and also does not oppose his prayer for compounding the offence.

9. I have heard learned counsel for the parties and perused the relevant material on record.

10. In view of the fact that the parties have amicably settled their dispute and the petitioner has paid the entire amount to the respondent/complainant, instant application is allowed and the offence under Section 138 of the N.I. Act is hereby compounded.

11. Since, the application for compounding of offence is allowed, the instant revision petition is also allowed and impugned judgments and order of conviction are set aside.

12. Pending application, if any, stands disposed of.

February 12th, 2024

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**