

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.109+306

CRR-489-2022 (O&M)
Date of decision:19.03.2024

Ketan Sampat

...Petitioner

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON’BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Aakash Singla, Advocate for the petitioner.
Mr. Karan Garg, AAG, Haryana for respondent No.1.
Mr. Sunil Sihag, Advocate for respondent No.2.

N.S. SHEKHAWAT, J.

CRM-12819-2024

Application is allowed, as prayed for. Affidavit of respondent
No.2 is taken on record.

Main case

1. The petitioner has filed the present revision petition against the
impugned judgment dated 23.02.2022 passed by the Additional Sessions
Judge, Gurugram and the judgment of conviction dated 26.10.2018 and
order of sentence dated 30.10.2018 passed by the Judicial Magistrate 1st
Class, Gurugram, whereby the petitioner was convicted for the offence
punishable under Section 138 of the Negotiable Instrument Act, 1881
(hereinafter referred to as ‘the Act’).

2. During the pendency of the present revision petition, vide order dated 24.08.2023, the parties were directed to appear before the Mediation and Conciliation Centre of this Court and vide settlement/agreement dated 06.10.2023, both the parties have compromised the matter with the following conditions:-

- a) That both the parties have agreed to settle their past and present disputes against total amount of Rs.20,000/- (Rupees Twenty Thousand only). The first party has agreed to pay the aforesaid amount of Rs.20,000/- (Rupees Twenty Thousand only) by way of post-dated Cheque No.095552 dated 16.10.2023 of Canara Bank, DLF City Gurgaon.
- b) That both the parties have agreed to get the matter adjourned in the Hon'ble High Court now pending for 11.10.2023 to enable the second party to encash the said cheque.
- c) That the first party has undertaken to hand over the original aforesaid cheque to the second party/his Counsel on the next date of hearing i.e. 11.10.2023 to enable the second party to encash the said cheque.
- d) Apart from present dispute in the aforesaid Crl. Revision, first party had got lodged one FIR No.460 dated 18.06.2017 registered at Police Station Sushant Lok, District Gurugram under Sections 323, 452, 506 IPC against the second party. As per the present settlement, first party has also undertaken to withdraw the aforesaid FIR or to assist the second party by recording statement in the Court of Law in appropriate petition for quashing of aforesaid FIR.
- e) That present settlement is subject to clearing of the aforesaid post- dated cheque.
- f) It has been mutually agreed between the parties that after receipt of full and final amount of full and final amount

of Rs.20,000/-(Rupees Twenty Thousand only), the second party shall have no objection if present Criminal Revision Petition No.489 of 2022 filed by the first party is allowed by the Hon'ble High Court and the second party has agreed not to press for any other claim qua the present dispute except the aforesaid full and final settlement amount of Rs.20,000/- (Rupees Twenty Thousand only).

- g) The parties further undertake not to initiate or institute any unwanted litigation against each other and their family. The parties further undertake not to use any document/cheques etc. against each other which have been left in their possession after this date of agreement.
- h) It has been further decided between the parties that in case any other litigation or dispute is pending between both the parties in any Court of Law/Authorities, shall not be pressed by the respective party and the same shall be withdrawn/disposed off upon tendering the copy of present compromise.
- i) This settlement/agreement has been reached between the parties without any pressure and both the parties have very happily agreed to abide by the terms and conditions of the settlement/agreement Both the parties shall be bound with the terms and conditions of this settlement/agreement.

3. Learned counsel for the petitioner submits that both the parties have compromised the matter and all the payments have been made.

4. Learned counsel for respondent No.2 submits that he has no objection in case the present petition is accepted. Even respondent No.2 has placed on record his affidavit, admitting the factum of compromise arrived at between the parties.

4. In view of the above, the present petition is accepted. The impugned judgment dated 23.02.2022 passed by the Additional Sessions Judge, Gurugram and the judgment of conviction dated 26.10.2018 and order of sentence dated 30.10.2018 passed by the Judicial Magistrate 1st Class, Gurugram are set aside and the petitioner is acquitted.

19.03.2024
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO