



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

CRR-431-2024 (O&M)

Date of Decision: May 18, 2024

Balbir Ghagga

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Karan Garg, Advocate for the petitioner
(Through Video Conferencing).

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Raman Singla, Advocate for respondent No.2.

DEEPAK GUPTA, J.(Oral)

CRM-21793-2024

This is an application moved by the petitioner to place on record the copy of compromise as Annexure P-3 and to exempt filing certified copy thereof.

Notice in the application.

Learned State counsel as well as counsel for respondent No.2 have no objection to the application.

Application is allowed.

Annexure P-3 is taken on record.

Main case

In the complaint case titled as ***“Jarnail Singh v. Balbir Ghagga”***, filed by respondent No.2 – Jarnail Singh, accused – Balbir Ghagga (now petitioner) was convicted by learned Judicial Magistrate 1st

Class, Ratia, under Section 138 of the Negotiable Instruments Act, 1881 (for

short 'the N.I. Act'), vide judgment dated 16.02.2016. Vide a separate order dated 18.02.2016, he was sentenced to undergo imprisonment for a period of 02 years and also to pay compensation amount of ₹2,25,000/- in addition to ₹30,000/- as cost of proceedings to the complainant. Appeal, filed against the aforesaid judgment of conviction and order of sentence was dismissed by the Court of Sessions on 15.02.2024.

2. Against the aforesaid conviction and sentence recorded by the Trial Court and as affirmed by the Court of Sessions, present revision has been filed. However, after affirmation of the conviction by the Appellate Court, parties have reached at a compromise. Prayer is now made by the petitioner so as to set aside the impugned judgments passed by the Courts below and to acquit the petitioner by granting permission to compound the offence. The compromise has been placed on record as Annexure P-3.

3. Learned counsel for respondent No.2 – complainant concedes the factum of the compromise and has no objection to set aside the impugned judgment of conviction and order of sentence and to acquit the petitioner, by granting permission to compound the offence.

4. Offence under Section 138 of the N.I. Act is compoundable in nature. The compounding can be permitted at any stage.

5. Learned counsel for the petitioner has also referred to **“Ashok Kumar v. State of Haryana and another”**, Law Finder Doc Id # 1686839 rendered by this Court, as per which the compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in society and even if the matter is settled between the parties in a case under Section 138 of the N.I. Act after concurrent findings, necessary permission should be granted to compound the offence.

6. In view of the aforesaid facts and circumstances, the present revision petition is allowed. The impugned judgment of conviction and order of sentence as recorded by the Trial Court and as affirmed by the Appellate Court, are hereby set aside, by granting necessary permission to compound the offence. The compounding of the matter will have the effect of acquittal within the meaning of Section 320(8) Cr.P.C.

May 18, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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