

**109+258 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Neutral Citation No. 2024:PHHC:020202
CRM-6628-2024 in/and CRR-564-2023
Date of Decision: February 13, 2024**

Parveen Kumar

...Petitioner

Versus

Amit Juneja

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sunny Tyagi, Advocate for the petitioner.

Mr. Dharmvir Sharma, Advocate for the respondent.

DEEPAK GUPTA, J.(Oral)

CRM-6628-2024

This is an application moved by the petitioner to place on record the compromise dated 13.11.2023 (Annexure A-1) effected between the parties, besides affidavit of the complainant/respondent as Annexure A-2.

Notice of the application.

Mr. Dharamvir Sharma, Advocate has appeared and accepted notice on behalf of the complainant/respondent. He concedes the factum of compromise and has no objection to take on record Annexures A-1 and A-2.

In view of the aforesaid statement, the application is allowed.

Annexures A-1 and A-2 are taken on record.

Main Case

This revision is against the concurrent findings of conviction. Vide judgment dated 26.07.2022 passed by learned Judicial Magistrate 1st Class, Panipat in a criminal complaint bearing CNR No.HRPP03-000903-2020 filed by complainant Amit Juneja (respondent before this Court),

accused-Praveen Kumar (present petitioner) was convicted under Section 138 of the Negotiable instruments Act, 1881 (for short 'the N.I. Act'). Vide a separate order dated 27.07.2022, he was sentenced to undergo rigorous imprisonment for a period of 03 months and further directed to pay compensation to the tune of ₹2 lacs, i.e. cheque amount along with interest @ 12% per annum from the date of issuance of cheque till its realization with default imprisonment.

2. Aggrieved by the aforesaid conviction and sentence, petitioner filed appeal. That appeal bearing CNR No.HRPP01-012758-2022, titled as "***Parveen Kumar v. Amit Juneja***" has been dismissed by learned Addl. Sessions Judge, Panipat, vide judgment dated 21.02.2023.

3. Assailing the aforesaid concurrent findings of conviction, petitioner approached this Court by way of present revision.

4. However, before this Court, parties have entered into a compromise. The compromise Annexure A-1 has been taken on record, as per which parties have amicably settled their dispute with the intervention of respectables of the society and that the complainant had received an amount of Rs.2 lacs as full and final settlement of his claim and he has no objection, if the present criminal revision is accepted by this Court.

5. Petitioner has also placed on record affidavit of the complainant-respondent as Annexure A-2 in this regard.

6. Learned counsel for the complainant-respondent concedes the factum of compromise. He also concedes that the entire amount as per settlement has been received by respondent-complainant and he has no objection, if the present petition is accepted.

6. The offence under Section 138 of the N.I. Act is compoundable. Compounding can be allowed at any stage. Petitioner had undergone custody period of 16 days post dismissal of his appeal by the Sessions Court, as is evident from the custody certificate. Now the parties have settled the matter. Compromise in the matter will harmonize their *inter se* relations.

7. Having regard to the aforesaid facts and circumstances, the present revision is hereby accepted. The impugned judgments of conviction and order of sentence passed by the Trial Court and as affirmed by the Appellate Court are hereby set aside. The petitioner is deemed to be acquitted within the meaning of Section 320(8) Cr. P.C.

February 13, 2024

sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No