



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16799-2024 (O & M)
Date of decision: 30.08.2024

Ankur Joshi and anr. Petitioners

V/s

Sharad Aggarwal and anr. ...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Shiv Kumar, Advocate, for the petitioners.
Mr. Ishan Gupta, Advocate, for the respondents.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 24.01.2024 (Annexure P-5) passed by the Lower Appellate Court in Appeal No.CRA/201/2021 titled as ‘Ankur Joshi vs. Sharad Aggarwal’ filed against the judgment of conviction sentence dated 25.10.2021 (Annexure P-1) under Section 138 of the Negotiable Instruments Act vide which the application filed by the petitioner (appellant therein) for compounding the offence and discharging the petitioner has been dismissed.

2. The brief facts of the case are that the petitioner was convicted and sentenced to undergo simple imprisonment for a period of 06 months and to pay compensation equivalent to the cheque amount along with simple



interest @ 9% p.a. till the final realization of amount and in case of default of compensation to undergo simple imprisonment for a period of 01 month vide judgment dated 25.10.2021 passed by the Court of Judicial Magistrate Ist Class, Ludhiana on account of the dishonour of a cheque for an amount of Rs.20,000/-.

3. The petitioner-accused preferred an appeal before the Court of Additional Sessions Judge, Ludhiana. At that stage, he moved an application for compounding the offence stating that he was ready and willing to make the entire payment alongwith litigation expenses, interest, etc. A copy of the said application is attached as Annexure P-3 to the petition. On account of the refusal on the part of the complainant-respondent for compounding of the offence, the application came to be dismissed vide order dated 24.01.2024 (Annexure P-5).

4. It is this order (Annexure P-5) which is under challenge in the present petition.

5. Though, the instant petition had been filed on merits, during the course of the proceedings, a compromise has been arrived at between the parties which is taken on record as Mark 'A'. As per the terms of the compromise, as against the cheque amount of Rs.20,000/- the complainant has received a sum of Rs.75,000/- and states that he has no objection if the offence in question is allowed to be compounded. A copy of the cheque bearing No.606270 dated 27.08.2024 for a sum of Rs.75,000/- in favour of Sharad Aggarwal, Proprietor of M/s Ambay Diamonds (respondent No.2) has been placed on record as Mark 'A-1'.



6. In view of the settlement arrived at between the parties, the order dated 24.01.2024 (Annexure P-5) stands quashed. The offence under Section 138 of the Negotiable Instruments Act, 1881 is ordered to be compounded and therefore, the judgment of conviction dated 25.10.2021 (Annexure P-1) is set aside and the petitioner is acquitted of the charges framed against him.

7. This petition stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

August 30, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No