

111

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

CRR-684-2023

Date of decision: 02.05.2024

Satgur Singh

...Petitioner

Versus

State of Punjab and Another

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: None for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

Mr. Nitin Thatai, Advocate for respondent No.2

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioner/accused seeking setting aside of judgment dated 09.01.2023 passed by the Court of Additional Sessions Judge, Bathinda whereby the appeal filed by petitioner against judgment and order dated 07.10.2022 passed by the Court of Judicial Magistrate Ist Class, Bathinda, whereby petitioner was convicted and sentenced to RI for a period of 2 year and to pay compensation worth Rs.23,69,005/- equivalent to cheque amount and in default to further undergo simple imprisonment for one month under Section 138 of Negotiable Instruments Act (for brevity NI Act), was dismissed.

2. The brief facts of the case are that respondent No.2-Cholamandlam Investment and Finance Company Limited filed criminal complaint No. 3366/2019 under Section 138 NI Act against the petitioner on account of dishonor of a cheques of Rs.23,69,005/- issued by the petitioner in favour of the complainant/respondent No.2. On completion of trial, the petitioner was convicted and sentenced as is detailed above vide judgment and order dated 07.10.2022. Being aggrieved, petitioner filed an appeal

which was also dismissed by the Court of Additional Sessions Judge, Ludhiana vide judgment dated 09.01.2023. Still being not satisfied petitioner filed the present revision petition.

3. On the last date of hearing, it was brought to notice of the Court that matter has been compromised between the parties, with regard to cheque in question.

4. Today, counsel for respondent No.2 made statement that compromise has been finalized and respondent No.2 is having no objection if offence punishable under Section 138 NI Act is compounded and the petitioner is acquitted as now nothing remains due against the petitioner.

5. In the light of the above, it stands proved that the matter has been compromised between the parties and as such the parties are permitted to compound the offence under Section 138 of the Act in aforesaid criminal complaint No. 3366/2019 titled Cholamandlam Investment and Finance Company Limited Vs Satgur Singh. The aforesaid criminal complaint and all the consequential proceedings therein are ordered to be quashed, the offence under Section 138 of the Act having been compounded.

6. Consequently, the present petition is allowed and judgment and order dated 07.10.2022 passed by the Court of Judicial Magistrate Ist Class, Bathinda and judgment dated 09.01.2023 passed by the Court of Additional Sessions Judge, Bathinda are hereby set aside and petitioner is acquitted of an offence punishable under Section 138 NI Act.

02.05.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**