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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**CRR-1002-2020 (O&M)
Date of decision: 02.05.2024

Pritam Singh

...Petitioner

Versus

Surinder Singh and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ashish Bakshi, Advocate for the petitioner.

Mr. Ankush Rampal, Advocate for respondent No.1.

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

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioner/accused seeking setting aside of judgment dated 21.01.2020 passed by the Court of Additional Sessions Judge, Ludhiana whereby the appeal filed by petitioner against judgment and order dated 14.08.2018 passed by the Court of Judicial Magistrate Ist Class, Ludhiana, whereby petitioner was convicted and sentenced to RI for two years and to pay compensation worth Rs.1 lac under Section 138 of Negotiable Instruments Act (for brevity NI Act), was dismissed.

2. The brief facts of the case are that respondent No.1 filed criminal complaint No. 1850/2015 under Section 138 NI Act against the petitioner on account of dishonor of cheque of Rs.1 lac. On completion of trial, the petitioner was convicted and sentenced as is detailed above vide

judgment and order dated 14.08.2018. Being aggrieved, petitioner filed appeal which was also dismissed by the Court of Additional Sessions Judge, Ludhiana vide judgment dated 21.01.2020. Still being not satisfied petitioner filed the present revision petition.

3. As the parties showed their intention to settle the dispute in an amicable manner, matter was referred to the Mediation and Conciliation Center of this Court and the matter was settled during mediation proceedings and parties executed settlement agreement dated 16.03.2023 which is taken on record. From the perusal of the said settlement agreement, it appears that the parties compromised the matter for a sum of Rs.35,000/- which was paid in seven equal installments of Rs.5,000/- each.

4. Today, both the parties appeared in person. Respondent No.1 has admitted the factum of aforesaid compromise which is effected between the parties and he also admitted that entire settled amount is already paid to him by the petitioner. He further stated that now nothing is due against the petitioner and is having no objection if offence punishable under Section 138 NI Act is compounded and the petitioner is acquitted. Even petitioner who has appeared in person has endorsed the aforesaid statement made by respondent and made prayer that offence punishable under Section 138 NI Act be compounded in the present case.

5. In the light of the above, it stands proved that the matter has been compromised between the parties and payment of settled amount is already received by respondent No.1. As such the parties are permitted to compound the offence punishable under Section 138 of the Act in aforesaid criminal complaint No. 1850/2015 titled Surinder Singh Vs. Pritam 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 14.08.2018 passed by the Court of Judicial Magistrate Ist Class, Ludhiana and judgment dated 21.01.2020 passed by the Court of Additional Sessions Judge, Ludhiana are hereby set aside and petitioner is acquitted of an offence punishable under Section 138 NI Act.

7. Pending application, if any, stands disposed of.

02.05.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No