

PETER

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manan Kheterpal, Advocate for
Mr. Nakul Sharma, Advocate
for the petitioner.

Mr. Rishab Singla, AAG, Punjab.

Mr. Om Malhan, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

CRM-13166-2023

Through the instant application, filed under Section 147 of the Negotiable Instruments Act (hereinafter referred to as ‘the Act’) read with Section 482 Cr.P.C. the compounding of offence punishable under Section 138 of the Act, is sought on the ground that the matter has been compromised between the parties and cheque amount has already been paid to respondent No.2.

2. Learned counsel for the applicant/petitioner submits that with the intervention of the respectable, the matter has been compromised between the parties and the complainant/respondent No.2 has been duly compensated and in view of the ratio of law laid down in ***Damodar S. Prabhu Versus Sayad Babulal H. 2010 AIR, SC 1907***, the prayer for compounding is made.

3. In view of the above, the present application is allowed.

MAIN CASE

Prayer in the present revision petition filed under Section 401 Cr.P.C. is for setting aside the impugned judgment of conviction and order of sentence dated 28.01.2020, passed by learned Judicial Magistrate Ist Class, Ferozepur in Criminal Complaint No.132 of 22.09.2017, whereby the petitioner has been convicted for the offence under Section 138 of the Act along with the order dated 01.03.2023, passed by learned Additional District and Sessions Judge, Ferozepur, vide which, the conviction and sentence imposed upon the petitioner was upheld.

2. Learned counsel for both the parties are *ad idem* that the petitioner has compromised the matter and respondent No.2 has been duly compensated. In this regard, an affidavit of respondent No.2 dated 30.01.2024, has also been produced, which is taken on record. A perusal of the same indicates that respondent No.2 has no objection, in case, the present petition is allowed and the offence under Section 138 of the Act is compounded, as he has been duly compensated and he has received the entire cheque amount.

3. In view of the ratio of law laid down in *Damodar S. Prabhu (supra)* and *M/s Meters and Instruments Pvt. Ltd. and another Vs. Kanchan Mehta 2017 (4) RCR (Crl.) 476*, the present petition is allowed. The offence under Section 138 of Negotiable Instruments Act is compounded and the petitioner stands acquitted of the accusation of charges. The impugned judgments of conviction and orders of sentence are set aside. Bail bonds and surety bonds of the petitioner also stand discharged.

February 13, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |