

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRR-757-2019 (O&M)
Date of Decision : April 20, 2024

PRITHVI PAL SINGH -PETITIONER

V/S

STATE OF PUNJAB AND OTHERS -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gaurav Rana, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Ms. Sarika Gupta, Advocate
for the respondent No.2/complainant.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant revision petition, the petitioner has assailed the verdict of conviction and consequent thereto order of sentence dated 03.11.2014, whereby, the learned Magistrate concerned has convicted the petitioner for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the 'N.I. Act'), and, sentenced him to undergo simple imprisonment for one year along with fine of Rs.8000/-.
2. In addition, the petitioner has also assailed the verdict dated 07.03.2019, whereby, the learned Additional Sessions Judge concerned has dismissed the statutory appeal filed by the petitioner against the verdict of conviction & order of sentence(supra).Moreover, since the petitioner was absent on the date of dismissal of his statutory appeal, a specific direction was also issued by the appellate court to the learned Magistrate concerned for taking the petitioner in custody through issuance of non bailable warrants against him, for

execution of sentence, as imposed upon him.

3. On 02.05.2019, the learned counsel for the petitioner had made a statement before this Court that the petitioner has settled the matter with the respondent No.2/complainant and he also handed over a demand draft of Rs.2,00,000/-, as drawn in favour of the complainant, to the latter's counsel. In addition, he also rendered an assurance for making payment of the outstanding amount to the complainant, whereupon, this Court had suspended the sentence of the petitioner.

4. Thereafter, the learned counsel for the petitioner, on 19.03.2024, again handed over a demand draft of Rs.2,00,000/-, as drawn in favour of the complainant, to the latter's counsel and sought some time for making payment of the remaining amount of Rs.1,25,000/-. Thereafter, out of the remaining amount of Rs.1,25,000/-, an amount of Rs.1,10,000/- was paid by the petitioner, through demand draft, and he again sought 15 days' time to make payment of the remaining amount of Rs.15,000/-.

5. Today, the learned counsel for the petitioner has made full and final payment of the settled amount, through his handing over a demand draft of Rs.15,000/-, as drawn in favour of the complainant, to the latter's counsel. Upon receipt of the full and final payment, the learned counsel for the respondent No.2/complainant has submitted that, since the petitioner has discharged his liability, therefore, the respondent No.2/complainant has no objection in case he is acquitted from the charges framed against him.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. The Hon'ble Supreme Court in *Shakuntla Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63*, speaking through Justice V.R.

Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

8. Be that as it may, keeping in view the fact that the dispute has been amicably settled *inter se* the parties, inasmuch as, the petitioner has made the entire payment of the settled amount to the respondent No.2/complainant, and that, the offence in question is compoundable, and that, compounding can be allowed at any stage, this Court is constrained to allow the instant petition.

9. Consequently, the instant revision petition is **allowed**, and, the petitioner is **acquitted** of the charges/notice of accusation framed against him. The impugned verdict of conviction and order of sentence dated 03.11.2014, as passed by the learned Judicial Magistrate 1st Class, Ludhiana, is set aside *qua* the petitioner. Moreover, the impugned verdict dated 07.03.2019, whereby, the learned Additional Sessions Judge, Ludhiana, had upheld the conviction of the petitioner, is also set aside *qua* him.

10. The petitioner is directed to be released from custody, if not required in any other case. His bail bonds and surety bonds, if any, also stand discharged.

11. All pending application(s) stand disposed of accordingly.

April 20, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No