



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

297

CRR-646-2024 (O&M)
Date of decision: 29.08.2024

SHRIKANT VERMA
Versus
STATE OF HARYANA AND ANOTHER
....Petitioner
...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

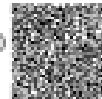
Present : Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

Ms. Neelam, Advocate for
Mr. Ankur Mittal, Advocate for respondent No.2.

KULDEEP TIWARI. J.(Oral)

1. Through the instant revision petition, challenge is thrown to the judgment of conviction dated 5.3.2020 passed by the learned trial court concerned, whereby, the petitioner has been convicted for an offence punishable under Section 138 of the Negotiable Instruments Act, and vide order dated 7.3.2020, sentenced to undergo rigorous imprisonment for one year six months, and further ordered to pay Rs 2,17,50,000/- as compensation under Section 357 (3) Cr.P.C. to the complainant. A cost of Rs 500/- was also levied upon the petitioner. In addition, the petitioner has also assailed the verdict dated 20.03.2024, whereby, the learned Additional Sessions Judge, Panipat, has dismissed the statutory appeal filed by the petitioner against the verdict of conviction and order of sentence (supra).
2. Vide order dated 20.05.2024, the following order was passed:-



“Through the instant revision petition, challenge is thrown to the judgment of conviction dated 5.3.2020 passed by the learned trial court concerned, whereby, the petitioner has been convicted for an offence punishable under Section 138 of the Negotiable Instruments Act, and vide order dated 7.3.2020, sentenced to undergo rigorous imprisonment for one year six months, and further ordered to pay Rs 2,17,50,000/- as compensation under Section 357 (3) Cr.P.C. to the complainant. A cost of Rs 500/- was also levied upon the petitioner.

The petitioner, having aggrieved with the judgment of conviction, and order of sentence (supra), preferred a statutory appeal which was dismissed vide judgment dated 20.3.2024, which propel the petitioner to institute the instant statutory revision.

At the very outset, learned counsel for the petitioner submits that in fact the matter has been settled for Rs 2 crores, and the petitioner is ready, and willing to make the payment. He further submits that Rs 43.50 lacs have already been paid during the pendency of the appeal before the learned appellate court concerned, and three demand drafts, to a total amount of Rs 1,06,50,000/- paid in the Court today, a photo copy of the same is taken on record, as Annexure 'A'. He further submits that rest of the amount will be paid within three months from today, in favour of the complainant by way of demand drafts.

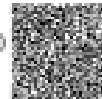
The factual submissions made by the learned counsel for the petitioner are not disputed by the learned counsel for the complainant.

In view of the submissions made by the learned counsel for the petitioner, adjourned to 29.8.2024.

It is made clear that, in case the balance amount is not paid on or before the next date of hearing, the revision petition shall be deemed to be dismissed, without any further reference to this Court.

The demand drafts have been handed over to the learned counsel for the complainant, who has further handed over the same to the complainant, present personally in the Court today.

3. Today, learned counsel for the petitioner has handed over two demand drafts, in sum of Rs.20,00,000/- and Rs.30,00,000/- respectively, drawn in favour of Sanjeev Kumar-complainant, which is duly accepted by learned counsel for respondent No.2.



4. Learned counsel for respondent No.2, fairly accepts the entire amount which is agreed between the parties concerned, and now all the dispute regarding the cheque in question has been settled between the parties concerned. She further extends no objection in case the instant offences, as involved in the present matter are compounded.

5. This Court has heard the learned counsel for the parties concerned, and has gone through the instant petition.

6. 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.....”

7. 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 cheque amount, and that, the offence in question are compoundable, and that, compounding can be allowed at any stage, this Court deems it fit and appropriate to allow the instant petition.

8. Consequently, the instant revision petition is **allowed**, and the petitioner is **acquitted** of the charges. The impugned verdict of conviction dated 5.3.2020, and order of sentence dated 7.3.2020, as passed by the learned Judicial Magistrate 1st Class, Panipat, is **set aside**. Moreover, the impugned verdict dated 20.03.2024, whereby, the learned Additional Sessions Judge concerned, had upheld the conviction of the petitioner, is also **set aside**.

9. The petitioner is directed to be released from custody, if not required

in any other case. His bail bond and surety bond, if any, also stands discharged.

10. All pending application(s), if any, stand **disposed** of accordingly.

29.08.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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