

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-16175-16176-2024 in/and
CRR-1100-2023 (O&M)
Date of Decision : 16.04.2024

MANISH SONI ALIAS BABBUApplicant/Petitioner

VERSUS

RAJ KARAN SINGHRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Mukul Aggarwal, Advocate,
for the applicant/petitioner.

Mr. Anuj Dewan, Advocate,
for the respondent.

KULDEEP TIWARI. J.(Oral)

CRM-16175-2024

1. The application is **allowed** as prayed for subject to all just exceptions and a photocopy of the demand draft is hereby, taken on record as Annexure P-6.

CRM-16176-2024

2. Through the instant application, prayer is made for compounding of offence, under the provisions of Section 147 of the Negotiable Instruments Act, 1881.

3. The sentence, as imposed upon the petitioner by the learned trial Court concerned, is extracted hereinafter:-

Offence	Imprisonment	Imprisonment in default of payment of fine
Section 138 of the Negotiable Instruments Act, 1881.	Simple imprisonment for 2 years, and compensation of Rs.6.00 lakhs to be paid to complainant.	Simple imprionment for 2 years.

4. Learned counsel for petitioner submits that the petitioner is ready and willing to pay the cheque amount, for which he has got prepared a demand draft bearing No.352460, dated 28.03.2024, amounting to Rs.6.00 lakhs, drawn in favour of respondent, a photocopy of which is annexed as Annexure P-6.

5. He further submits that the petitioner has no objection in case 20% of the compensation amount, which has already been deposited with the learned appellate court concerned, be released in favour of the respondent-complainant.

6. Notice in the application.

7. Learned counsel for the respondent accepts notice, and accedes to the proposal the petitioner, and accepts the demand draft (*supra*), on behalf of the respondent/complainant, as handed over by learned counsel for the petitioner, today in the Court. He further submits that, 20% of the compensation amount (*supra*), has already been released to the respondent.

8. He extends no objection in case the offence for which the petitioner has been convicted and sentenced, be compounded, and judgement and order (*supra*), passed by the learned trial court concerned, are set aside.

9. It is trite law that the offence committed under Section 138 of the Negotiable Instruments Act, 1881, can be compounded at any stage.

10. In view of the above, the instant application is **allowed**.

CRR-1100-2023

11. Through the instant revision petition, the petitioner throws challenge to the judgment of conviction dated 26.04.2017 and order of sentence dated 27.04.2017, passed by the learned Judicial Magistrate Ist Class, Sohana, and also challenges the judgment dated 05.04.2023, passed by the learned first appellate Court concerned, upon filing the statutory appeal by him, which was dismissed.

12. During the pendency of the instant petition the matter has been amicably settled between the parties concerned, the application under Section 147 Negotiable Instruments Act, 1881 (*supra*), moved by the petitioner for compounding of offence, which has been allowed vide aforesaid order.

13. Hence, as the offence has been compounded, with the respondent/complainant and his grievance has been satisfied, the judgment and order (*supra*) passed by the learned trial Court concerned and that of the learned appellate court concerned, deserve to be set aside.

14. 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.....”

15. 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/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.

16. 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 dated 26.04.2017, and order of sentence dated 27.04.2017, as passed by the learned Judicial Magistrate 1st Class, Sohna, is set aside *qua* the petitioner. Moreover, the impugned verdict dated 05.04.2023, whereby, the learned Additional Sessions Judge, Gurugram, had upheld the conviction of the petitioner, is also set aside *qua* him.

17. 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.

18. All pending application(s), if any, also stands disposed of.

April 16, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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