

2024 : PHHC : 037219

265/1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No.11606 of 2024 in/and
CRR No.1097 of 2023 (O&M)**

Date of decision: 13th March, 2024

Surender Singh Deswal

... Petitioner

Versus

Virender Gandhi & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Surjeet Bhadu, Mr. Veer Singh, Ms. Sanya Thakur &
Mr. Agam Bansal, Advocates for the petitioner.

Mr. Anand Chhibbar, Senior Advocate with
Ms. Khyati Avnish, Advocate for respondent No.1.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.11606 of 2024

The prayer made in this application is for allowing the revision petition and setting aside the order of conviction and consequently, acquit the petitioner on the basis of settlement arrived at between the parties by way of Memorandum of Understanding (Annexure A-1).

In view of the averments made in the application and in the interest of justice, the same is allowed as prayed for.

CRR No.1097 of 2023 (O&M)

1. The petitioner is seeking quashing of order dated 27.02.2023 passed by learned Additional Sessions Judge, Panchkula dismissing the appeal filed by him against the order of conviction and sentence dated 30.10.2018 passed by learned Judicial Magistrate 1st Class, Panchkula in complaint No.NACT 435 of 2015 under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as, 'the Act') filed by respondent No.1.

2. While drawing the attention of this Court to Annexure A-1, which is Memorandum of Understanding (MOU) executed between the parties, learned counsel for the petitioner submits that the parties have arrived at an amicable settlement subsequent to the conviction of the petitioner.

3. In support of his submissions, he has placed reliance upon judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1489 of 2012 titled as 'Ramgopal & another vs. State of Madhya Pradesh' decided on 29.09.2021*** and another judgment of this Court in '***Sube Singh and another Vs. State of Haryana and another*** : 2013(4) RCR (Criminal) 102.

4. Learned senior counsel appearing for the complainant/respondent No.1 does not dispute the submissions made by counsel opposite and the factum of MOU having been indeed executed between the parties. He has also not opposed the prayer made by the counsel opposite for quashing of the complaint in question along

with the impugned order passed by learned Additional Sessions Judge, Panchkula.

5. Learned State counsel too submits that there are no other accused other than the petitioners and respondent No.1 is the only aggrieved person in the complaint in question.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. In view of the settlement arrived at between the parties by way of MOU (Annexure A-1) and the principles laid down by the Apex Court in *Criminal Appeal No.1489 of 2012 titled as 'Ramgopal & another vs. State of Madhya Pradesh'* decided on 29.09.2021 and this Court in *Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102*, the instant petition is allowed. The aforesaid complaint and all consequential proceedings arising therefrom including the order dated 27.02.2023 passed by learned Additional Sessions Judge, Panchkula, are quashed.

8. Needless to say the parties shall remain bound by the terms of the MOU so executed between them.

(MANJARI NEHRU KAUL)
JUDGE

March 13, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No