



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1099-2023 (O&M)
Date of decision: 12.12.2024

Aakash Sharma ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. S.S. Nain, Advocate for the petitioner.
Mr. Karan Garg, AAG, Haryana.
Mr. Aadil, Advocate for respondent No.2.

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioner seeking setting aside of judgment dated 03.04.2023 passed by the Court of Additional Sessions Judge, Gurugram whereby the appeal filed by petitioner against judgment and order dated 10.01.2020 passed by the Court of Judicial Magistrate Ist Class, Pataudi, whereby petitioner was convicted and sentenced to imprisonment for a period of six months and to pay a compensation of Rs.4,00,000/- to complainant/respondent No.2, under Section 138 NI Act, was dismissed.
2. The brief facts of the case are that petitioner issued the following cheques, in lieu of his outstanding legal liability:-

*“1.Rs.3,00,000/- cheque No.027566 dated 12.12.2016 in favour of Sh. Tarachand.
2.Rs.10,00,000/- cheque No.027567 dated 12.12.2016 in favour of Sh. Tarachand.
3.Rs.10,00,000/- cheque No.027568 dated 12.12.2016 in favour of Sh. Tarachand.*



4.Rs.10,00,000/- cheque No.027569 dated 10.01.2017 in favour of Sh. Tarachand.

5.Rs.4,00,000/- cheque No.027562 dated 12.12.2016 in favour of Sh. Parmanand.

6.Rs.4,00,000/- cheque No.027561 dated 12.12.2016 in favour of Sh. Dayanand.

7.Rs.4,00,000/- cheque No.027560 dated 12.12.2016 in favour of Sh. Sharda Nand.”

3. On presentation, the cheques were dishonored and then on completion of all the formalities, respondent No.2 filed complaint under Section 138 NI Act and on conclusion of trial, petitioner was convicted and sentenced to imprisonment and to pay a compensation as has been detailed in the opening paragraph of present judgment.

4. Being aggrieved, petitioner filed appeal which was also dismissed by the Court of Additional Sessions Judge, Gurugram vide judgment dated 03.04.2023. Still being not satisfied petitioner filed the present revision petition.

5. During the course of hearing, it has been brought to the notice of the Court that matter has been compromised between the parties and settlement was effected between the parties with regard to the cheque amount involved in two criminal complaints and the entire dispute was settled in sum of Rs.36,26,000/-. On the last date of hearing, the petitioner made part payment through two bank demand drafts of Rs.20,26,000/- in total. Today, the counsel for the petitioner handed over bank demand draft relating to balance amount of Rs.16 lacs to the counsel for respondent No.2. The counsel appearing on behalf of complainant/respondent No.2 admitted the factum of compromise and further stated that entire settled amount is received by respondent No.2 and that he is having no objection if offence punishable under Section 138 NI Act is compounded and the petitioner is

acquitted. Even the counsel for the petitioner has admitted factum of compromise and has made prayer that the present petition be allowed.

6. Offence punishable under Section 138 NI Act is a compoundable offence. It appears that in the present case, parties have settled their dispute with regard to dishonor of cheques in question. In the given circumstances, permission is hereby given to the parties to compound an offence punishable under Section 138 NI Act in the present case. Consequently, the petitioner deserves to be acquitted of an offence punishable under Section 138 NI Act.

7. For the foregoing reasons, the present petition is allowed and the impugned judgments passed by the Courts below are set aside and the petitioner is acquitted of an offence punishable under Section 138 NI Act.

8. Pending application, if any, stands disposed of.

12.12.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No