



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

**CRR-1658-2010 (O&M)
Date of Decision : 18.07.2024**

M/S C.R MEHRA & ASSOCIATES & ANOTHER
.....Applicant/Petitioners

VERSUS

STATE OF PUNJAB & OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rajinder Sharma, Advocate,
for the applicants/petitioners.

Mr.Pardeep Bajaj, DAG, Punjab.

Mr. Veneet Sharma, Advocate,
for respondents no.2 and 3.

KULDEEP TIWARI, J.(Oral)

1. Through the instant revision petition, the petitioners have assailed the verdict of conviction dated 04.05.2009, and consequent thereto, order of sentence of even date, whereby, the learned Magistrate concerned has convicted them for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the 'N.I. Act'), in complaint case No.671/2001/2008, and, sentenced them to undergo rigorous imprisonment for a period of 6 months, and to pay fine of Rs.5,000/- to the complainant party. In default of payment of fine rigorous imprisonment for 15 days.

2. In addition, the petitioners have also assailed the verdict dated 27.05.2010, whereby, the learned Sessions Judge concerned has dismissed the statutory appeal filed by the petitioners, against the verdict of conviction and order of sentence (*supra*). Moreover, since the petitioners were on bail, and further, it was directed to take the petitioners into custody, and was sent to jail, for serving the sentence as imposed upon them.

3. The instant revision petition is also accompanied by an application seeking compounding of the offence under Section 147 of the Negotiable Instruments Act, 1881, in view of the amicable settlement arrived between the petitioners and the complainant party (respondents no.2 and 3), inasmuch as the petitioners have made a payment of double the cheque amount to the complainant party, i.e. Rs.1,00,000/-, today in the Court vide demand draft No.500323, dated 08.07.2024. A photocopy thereof is ordered to be retained on the case file.

4. Learned counsel appearing on behalf of the respondent no.2 and 3, admits the *factum* of compromise between the parties. He further submits that, since the petitioners have discharged their liability, therefore, he has no objection in case they are acquitted from the charges framed against them.

5. This court has heard learned counsel for the parties concerned, and have gone through the record with their able assistance.

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: (i) the dispute has been amicably settled between the parties concerned, inasmuch as, the petitioners have made the payment of double the cheque amount, i.e. Rs.1,00,000/- to the complainant party; (ii) the offence in question is compoundable; and (iii) 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/notice of accusation framed against him. The impugned verdict of conviction and order of sentence dated 04.05.2009, as passed by the learned trial Court concerned, is set aside. Moreover, the impugned verdict dated 27.07.2010, whereby, the learned Sessions Judge concerned, had upheld the conviction of the petitioner, is also set aside.

9. The petitioners are directed to be released from custody, if not required in any other case. Their bail bonds and surety bonds, if any, also stand discharged.

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

July 18, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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