



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

CRR-929-2024 (O&M)

Date of Decision: May 13, 2024

Panja Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kamil Nagpal, Advocate for the petitioner.

Mr. Iqbalpreet Singh, AAG, Punjab for respondent No.1.

Mr. Himendra Pal Singh, Advocate for respondent No.2.

DEEPAK GUPTA, J.(Oral)

Power of attorney has been filed on behalf of respondent No.2.

In Criminal complaint bearing No.NACT 980/2016 titled as ***“M/s Mahindra and Mahindra Financial Services Limited v. Panja Singh”***, accused – Panja Singh (present petitioner) was convicted by the Court of learned Judicial Magistrate 1st Class, Ferozepur, vide judgment dated 11.04.2022 under Section 138 of the Negotiable Instruments Act, 1881. He was sentenced to undergo rigorous imprisonment for a period of 01 year and 06 months and also to pay compensation to the tune of the cheque amount, i.e. ₹5,52,434/- alongwith interest @ 9% per annum. The appeal filed by the petitioner against the aforesaid judgment of conviction and order of sentence was dismissed by the Court of Sessions vide order dated 18.01.2024.

2. Against the aforesaid judgment of conviction and order of sentence, petitioner approached this Court by filing the present revision petition.

3. Contention of learned counsel for the petitioner is that after dismissal of the appeal, the matter has since been settled amongst the parties,

inasmuch as the relative of the petitioner, namely, Kuldeep Singh has deposited an amount ₹3,54,000/- in the account of the complainant-respondent towards full and final settlement of the claim of respondent No.2-complainant.

4. Today, Mr. Himendra Pal Singh, Advocate appearing on behalf of respondent No.2- complainant concedes the fact that the matter has been settled for an amount of ₹3,54,000/-, which has since been deposited and now nothing is due in the account of the petitioner.

5. Learned counsel for the petitioner requests to grant necessary permission to compound the matter and to set aside the judgment of conviction and order of sentence.

6. Having regard to the fact that the offence in question is compoundable and that compounding can be allowed at any stage, the fact that entire payment of respondent No.2 - complainant as per settlement has already been made, this Court grants necessary permission so as to compound the matter. The impugned judgments passed by the Courts below recording the conviction of the petitioner and sentencing him, are hereby set aside as a result of compounding of the matter, which will have the effect of acquittal within the meaning of Section 320(8) Cr.P.C. The petitioner, who is in custody is directed to be released immediately, if not required in any other case.

Allowed.

May 13, 2024

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No