



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

110

CRR-959-2024 (O&M)

Date of decision: May 13th, 2024

Gurmail Singh

.....Petitioner

Versus

Gurdev Singh Chera

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep Singh, Advocate
for the applicant-petitioner.

MANJARI NEHRU KAUL, J. (ORAL)**CRM-20780-2024**

Prayer in this application is for exemption from filing certified and true typed copies of grounds of appeal, orders passed by learned trial Court as well as the learned Appellate Court.

Application is allowed subject to just exceptions.

Exemption, as prayed for, is granted.

CRM-20782-2024

Prayer in this application is for compounding of the offence under Section 138 of the Negotiable Instruments Act on the basis of compromise arrived at between the parties.

Learned counsel for the petitioner, *inter alia*, contends that subsequent to his conviction under Section 138 of the Negotiable Instruments Act vide order dated 11.12.2023 by learned Judicial Magistrate 1st Class, S.B.S. Nagar, which was affirmed vide judgment dated 24.04.2024 passed by learned Additional Sessions Judge, Shaheed Bhagat Singh Nagar, the parties had effected a compromise by

way of compromise deed dated 30.04.2024 (Annexure P-1) as the cheque amount in question stood paid to the complainant and which had subsequently been also accepted by him. A prayer has, therefore, been made for compounding the offence on the basis of compromise arrived at between the parties. In support, he has relied upon ***A.T. Sivaperumal Vs. Mohammed Hyath (D) By Lrs.' 2017 (2) R.C.R. (Criminal) 453 and A.J. Asana Vs. Sittrarasu 2019 (5) R.C.R. (Criminal) 568.***

Notice of the application

Mr. Vikasdeep Singh, Advocate, has entered appearance on behalf of the respondent and filed his power of attorney, which is taken on record. Learned counsel for the respondent does not dispute the submissions made by the counsel opposite and also does not oppose his prayer for compounding the offence.

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

In view of the fact that the parties have amicably settled their dispute and the petitioner has paid the entire amount to the respondent/complainant, instant application is allowed and the offence under Section 138 of the N.I. Act is hereby compounded.

Since, the application for compounding of offence is allowed, the instant revision petition is also allowed and impugned judgments and order of conviction are set aside. Petitioner be released forthwith, if not required in any other case.

CRM-20781-2024

This is an application under Section 397 of the Cr.P.C.

praying for suspension of sentence of applicant/petitioner.

In the light of the decision of the revision petition,
no orders are required to be passed in the instant application.

May 13th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No