



CRR-998 of 2024

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107 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-998 of 2024(O&M)
Date of Decision: 17.05.2024

Mahinder Singh

...Petitioner

Versus

State of Haryana & Anr.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sahil Choudhary, Advocate
For the petitioner.

Mr. Vishal Kashyap, DAG Haryana.

Ms. Garima Choudhary, Advocate
For respondent No.2.

KARAMJIT SINGH, J.

CRM-21706 of 2024

For the reasons mentioned in the application, the same is
allowed and delay of 483 days in filing the instant revision petition stands
condoned.

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1. The present revision petition has been filed by the petitioner/
accused seeking setting aside of judgment dated 19.10.2022 passed by the
Court of Additional Sessions Judge, Yamuna Nagar at Jagadhri whereby the
appeal filed by petitioner against judgment and order dated 13/15.07.2016

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passed by the Court of Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, whereby petitioner was convicted and sentenced to RI for one year and to pay a compensation of Rs.2,10,000/- and in default of payment of compensation to further undergo RI for three months under Section 138 NI Act, was dismissed.

2. The brief facts of the case are that petitioner issued two cheque bearing numbers 041010 of Rs.80,000/- and 041011 of Rs.1,00,000/- dated 01.10.2013 and 05.10.2013 respectively, in name of respondent No.2/ complainant, in lieu of his outstanding liability. On presentation, both 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.

3. Being aggrieved, petitioner filed appeal which was also dismissed by the Court of Additional Sessions Judge, Yamuna Nagar at Jagadhri vide judgment dated 19.10.2022. Still being not satisfied petitioner filed the present revision petition.

4. During the course of hearing, it has been brought to the notice of the Court that matter has been compromised between the parties vide compromise (Annexure A-1) and the entire settled amount is paid by petitioner to respondent No.2. Today, the counsel appearing on behalf of complainant/ respondent No.2 admitted the factum of compromise and further stated that entire settled amount is already received by respondent



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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.

5. Offence punishable under Section 138 NI Act is compoundable. 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.

6. 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. In case the petitioner is not required by the police in any other case, he should be released immediately by the Jail Authorities.

(KARAMJIT SINGH)
JUDGE

17.05.2024
Jiten

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