



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

CRR-976-2024 (O&M)

Date of Decision: May 15, 2024

Parveen Kumar

...Petitioner

Versus

Sandeep Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Anil Kumar Sharma, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

In the complaint case titled as “*Sandeep Kumar v. Parveen Kumar*”, filed by respondent No.1 – Sandeep Kumar, accused – Parveen Kumar (now petitioner) was convicted by learned Judicial Magistrate 1st Class, Rewari, under Section 138 of the Negotiable Instruments Act, 1881 (for short ‘the N.I. Act’), vide judgment dated 06.06.2022. Vide a separate order dated 07.06.2022, he was sentenced to undergo imprisonment for a period of 18 months and also to pay compensation amount of ₹17 lacs. Appeal, filed against the aforesaid judgment of conviction and order of sentence was dismissed by the Court of Sessions on 04.05.2024 and the petitioner was taken into custody.

2. Against the aforesaid conviction and sentence recorded by the Trial Court and as affirmed by the Court of Sessions, present revision has been filed. However, after affirmation of the conviction by the Appellate Court, parties have reached at a compromise. Prayer is now made by the petitioner so as to set aside the impugned judgments passed by the Courts

below and to acquit the petitioner by granting permission to compound the offence. The compromise has been placed on record as Annexure P-2.

3. Notice of motion.

4. Mr. J.P. Sharma, Advocate has appeared and filed his power of attorney on behalf of respondent No.1-complainant.

5. Learned counsel for respondent No.1 – complainant concedes the factum of the compromise and has no objection to set aside the impugned judgment of conviction and order of sentence and to acquit the petitioner, by granting permission to compound the offence. Learned counsel also concedes that the entire amount as per the settlement/compromise has already been received by respondent No.1 – complainant.

6. Offence under Section 138 of the N.I. Act is compoundable in nature. The compounding can be permitted at any stage.

7. Learned counsel for the petitioner has also referred to “**Ashok Kumar v. State of Haryana and another**”, Law Finder Doc Id # 1686839 rendered by this Court, as per which the compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in society and even if the matter is settled between the parties in a case under Section 138 of the N.I. Act after concurrent findings, necessary permission should be granted to compound the offence.

8. In view of the aforesaid facts and circumstances, the present revision petition is allowed. The impugned judgment of conviction and order of sentence as recorded by the Trial Court and as affirmed by the Appellate Court, are hereby set aside, by granting necessary permission to compound the offence. The compounding of the matter 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.

May 15, 2024

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No