



CRR-1007 of 2024

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

**CRR-1007 of 2024(O&M)
Date of Decision: 17.05.2024**

Yog Raj Panchal

...Petitioner

Versus

Shyam Lal Taneja & Anr.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Jasmer Singh Rozera, Advocate
For the petitioner.**

**Mr. Sandeep Malik, Advocate
For respondent No.1.**

Mr. Vishal Kashyap, DAG Haryana.

KARAMJIT SINGH, J.

1. The present revision petition has been filed by the petitioner/accused seeking setting aside of judgment dated 08.05.2024 passed by the Court of Additional Sessions Judge, Faridabad whereby the appeal filed by petitioner against judgment and order dated 02/04.02.2023 passed by the Court of Judicial Magistrate Ist Class, Faridabad whereby petitioner was convicted and sentenced to SI for two months and to pay a compensation of Rs.2,20,000/- under Section 138 NI Act, was dismissed.

2. The brief facts of the case are that petitioner issued cheque bearing number 096981 dated 06.01.2021 of Rs.2,00,000/-, in name of complainant, in lieu of his outstanding liability to Shyam



Lal (since deceased) husband of respondent No.1. On presentation, the cheque was dishonored and then on completion of all the formalities, the respondent No.1 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, Faridabad vide judgment dated 08.05.2024. 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-2) and the entire settled amount is paid by petitioner to respondent No.1. Today, the counsel appearing on behalf of complainant/ respondent No.1 admitted the factum of compromise and further stated that entire settled amount is already received by respondent No.1 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 the factum of compromise and 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