



CRR-180-2015

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(246)

CRR-180-2015
Date of Decision : 17.09.2024

Amanjit Kaur ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Bhupender Singh, *Amicus Curiae*
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Vivek K. Thakur, Advocate
for respondent No.2.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant revision petition, the petitioner has assailed the verdict of conviction and consequent thereto order of sentence dated 15.04.2014, whereby, the learned Judicial Magistrate Ist Class, Kapurthala, has convicted the petitioner for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the 'N.I. Act'), and, sentenced him to undergo imprisonment for one year along with fine of Rs.5,000/-, and in default of payment of fine, the convict shall undergo further imprisonment for three months.
2. In addition, the petitioner has also assailed the verdict dated 10.11.2014, whereby, the learned Additional Sessions Judge, Kapurthala, has dismissed the statutory appeal filed by the petitioner, and upheld the verdict of conviction and order of sentence (supra).



3. Learned *Amicus Curiae*, who is appointed to apprise this Court, in the matter submits that, upon perusal of the record, it is evident that the matter has been amicably settled between the parties.

4. Learned counsel for respondent No.2/complainant, has caused appearance before this Court today, and filed an original affidavit, duly sworn by the complainant, to the effect that the instant matter has been compromised, *inter se* the parties, and he has no objection, in case the charges which are framed against the present petitioner, is compounded, and the petitioner is acquitted of the charges framed against him.

5. Learned counsel for the State of Punjab, has placed on record the custody certificate dated 16.09.2024, qua the petitioner, today in the Court. The same is taken on record. The custody certificate reflects that the petitioner has undergone the incarceration of 07 months and 24 days (including remission), as on today, out of total sentence of one year.

6. This Court has heard the learned counsel for the parties concerned, and has gone through the record with their able assistance.

7. The Hon'ble Supreme Court in ***Shakuntla Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

8. Be that as it may, keeping in view the fact that, the matter has been compromised between the parties, the offence in question is compoundable, and that, compounding can be allowed at any stage, this Court is constrained to allow the instant petition.



9. Consequently, the instant revision petition is **allowed**, and, the petitioner is **acquitted** of the charges/notice of accusation framed against him. The impugned verdict of conviction and order of sentence dated 15.04.2014, as passed by the learned Judicial Magistrate Ist Class, Kapurthala, is set aside. Moreover, the impugned verdict dated 10.11.2014, whereby, the learned Additional Sessions Judge, Kapurthala, had upheld the conviction of the petitioner, is also set aside.
10. All pending application(s), if any, stand disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

September 17, 2024
Manpreet

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