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

**CRR-1055-2024 (O&M)
DATE OF DECISION: 13.06.2024**

SANJAY KUMAR @ SHANKAR ...PETITIONER

Versus

KULDEEP AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Yazat Gill, Advocate for the petitioner(s).
Mr. S.B. Panchal, Advocate for respondent No.1.
Mr. Gaurav Bansal, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. This revision petition has been filed against the judgment dated 09.05.2024 passed by Sessions Judge, Kaithal affirming the judgment of conviction and order of sentence dated 24.04.2023, passed by Judicial Magistrate, 1st Class Kaithal vide which the petitioner was convicted under Section 138 of NI Act, 1881, and sentenced to undergo SI for six months.

2. During the pendency of the dispute, the parties have compromised the matter and filed the present petition for quashing of the impugned order.

3. Vide order dated 23.05.2024, parties were directed to appear before the Illaqa Magistrate/Trial Court and report with regard to the genuineness of the compromise was called for.



4. The report dated 31.05.2024 has been received from Judicial Magistrate First Class, Kaithal, stating that the parties have entered into a compromise, which is genuine, voluntary and without any coercion or undue influence.

5. Learned counsel, for the petitioner submits that since the matter has been amicably settled between the parties, therefore, the parties may be permitted to compound the offence; and by setting aside the judgments/orders passed by the Courts below, the petitioner be ordered to be acquitted of the charges.

6. Learned counsel appearing on behalf of the respondent does not dispute the compromise arrived at between the parties. He has expressed her no objection for compounding of the offence as prayed by the counsel for the petitioner.

7. In view of the above, finding the prayer of the petitioner to be genuine and in view of the fact that the matter has been amicably settled between the parties, this Court finds that it would not be unjustified if the offence, for which the petitioner has been convicted, is permitted to be compounded.

8. Accordingly, the present revision petition is allowed. Necessary permission for compounding of offence under Section 138 of the Negotiable Instruments Act, for which the petitioner was convicted and sentenced by the trial Court, is granted. As a result of compounding, the judgment dated 09.05.2024 passed by Sessions Judge, Kaithal affirming the judgment of conviction and order of



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sentence dated 24.04.2023, passed by Judicial Magistrate, 1st Class Kaithal vide which the petitioner was convicted under Section 138 of NI Act, 1881, and sentenced to undergo SI for six months, is quashed qua the petitioner.

9. The present petition is hereby allowed.

(SANDEEP MOUDGIL)
JUDGE

13.06.2024

anuradha

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*