

2024:PHHC:022921

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

220

CRR-3866-2016
Date of Decision : **February 16, 2024**

SUKHWINDER SINGH

.....Petitioner

VERSUS

DASHMESH COMMISSION AGENT

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vishal R. Lamba, Advocate
amicus curiae for the petitioner.

KULDEEP TIWARI, J. (Oral)

1. The instant revision petition has been filed to throw challenge to the judgment dated 20.4.2015 vide which the petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to undergo rigorous imprisonment for six months and fine of ₹2,000/- and in default of payment of fine, to further undergo rigorous imprisonment for one month by the learned trial Court concerned.

2. Having aggrieved with the judgment of conviction, the petitioner preferred a statutory appeal before the learned First Appellate Court concerned and the same was dismissed vide judgment dated 14.9.2016.

3. It transpires from the record that this Court at the time of issuing notice of motion vide order dated 20.10.2016, the learned counsel for the petitioner made a statement that he is ready and willing to settle the dispute with the respondent-complainant and in order to show his

bonafide, he produced a bank draft bearing No.754173 dated 17.10.2016, for an amount of ₹40,000/-, in favour of the respondent and accordingly, a Co-ordinate Bench of this Court referred the matter to the Mediation and Conciliation Centre of this Court, where the matter was amicably settled and the petitioner was required to pay remaining amount of ₹80,000/- in two installments. The outcome of the mediation was recorded by the Co-ordinate Bench of this Court vide order dated 12.12.2016, which reads as under:-

“Power of Attorney has been filed on behalf of the respondent in Court today which is taken on record.

Learned counsel for the petitioner submits that in terms of the settlement arrived at between the parties before the Mediation & Conciliation Centre of this Court, the petitioner is required to pay the remaining amount of Rs.80,000/- which will be paid by him in two instalments. As per the settlement, the first instalment for a sum of Rs.40,000/- will be paid by way of bank draft in the name of Dashmesh Commission Agent to Mohan Singh on or before 31.01.2017 and second instalment of Rs.40,000/- will be paid by way of bank draft in the name of Dashmesh Commission Agent to Mohan Singh on or before 30.03.2017. Therefore, he prays for an adjournment.

Adjourned to 06.04.2017.”

4. Further from the order dated 20.7.2022, it reveals that the petitioner has made the entire payment as per the terms and conditions settled between the parties, however, the matter was adjourned so as to fix costs upon the petitioner in view of the judgment passed by the

Hon'ble Supreme Court in **Damodar S. Prabhu Vs. Sayed Babalal H., 2010(2) Crimes 233**. Thereupon, no one has caused appearance either on behalf of the petitioner, or on before of the respondent. Thereafter, this Court on 10.1.2024, has appointed Mr. Vishal R. Lamba, Advocate as *amicus curiae* to assist this Court.

5. Since the matter has already been compromised, between the parties and the offence for which the petitioner was convicted, is a compoundable offence, therefore, this Court allows the present petition and compound the offence, so committed by the petitioner and set-aside both the judgments (supra) passed by the learned trial Court concerned, as well as by the learned Appellate Court concerned and petitioner is acquitted from the charges framed against him.

6. Further-more, the petitioner is directed to deposit ₹5000/-, as litigation costs with the District Legal Services Authority concerned.

7. The copy of the order be sent forthwith to the learned trial Court concerned, to recover the cost, as imposed upon the petitioner.

8. **Disposed** of accordingly.

(KULDEEP TIWARI)
JUDGE

February 16, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No