



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

**CRM-23940 & 23942-2024 in/and
CRR-1108-2024 (O&M)
Date of Decision : 03.09.2024**

RAJ KAUR

.....Applicant/Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. M.S.Sidhu, Advocate,
for the applicant/petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

Mr. Dushant Jog, Advocate,
for respondent no.2/complainant.

**KULDEEP TIWARI, J.(Oral)
CRM-23940-2024**

1. For the good and valid reasons assigned in the application, same is allowed, and the delay of 144 days in filing the instant petition, is hereby condoned.

**CRM-23942-2024 in/and
CRR-1108-2024**

2. Through the instant revision petition, the petitioner has assailed the verdict of conviction dated 03.09.2022, and consequent thereto, order of sentence of even date, whereby, the learned Judicial Magistrate Ist Class, Nabha, has convicted the applicant/appellant for commission of offence punishable under Section 138 of the Negotiable

Instruments Act, 1881 (hereinafter referred to as the 'N.I. Act'), in complaint case No.COMA/317/2018, dated 27.04.2018, and, sentenced her to undergo rigorous imprisonment for a period of 6 months, and to pay compensation equivalent to cheque amount along with simple interest at the rate of 9% p.a., from the date of issuance of cheque till final realisation of amount, and in default thereof to undergo rigorous imprisonment for 3 months. She was further sentenced to pay fine of Rs.2,000/- and in default thereof, to undergo simple imprisonment for 15 days.

3. In addition, the petitioner has also assailed the verdict dated 03.10.2023, whereby, the learned Additional Sessions Judge, Patiala has dismissed the statutory appeal filed by the petitioner, against the verdict of conviction and order of sentence (*supra*). Moreover, since the petitioner was on bail, further, it was directed to take the petitioner into custody, and was sent to jail, for serving the sentence as imposed upon her.

4. What surfaced from the study survey of the judgment passed by the learned Additional Sessions Judge concerned, that petitioner was absent on the date of pronouncement of the judgement.

5. However, in deference to the directions issued by this Court vide order dated 29.05.2024, the petitioner has surrendered before the learned trial court concerned on 02.09.2024. For which learned counsel for the petitioner has placed on a certified copy of the order dated 02.09.2024, depicting that the petitioner has surrendered. The same is

taken on record as Annexure A-1. The Registry is directed to place the same at the appropriate place of the case file.

6. The instant revision petition is also accompanied by an application (CRM-23942-2024) seeking compounding of the offence under Section 320 of the Cr.P.C. read with Section 147 of the Negotiable Instruments Act, 1881, in view of the amicable settlement arrived at between the petitioner and respondents no.2.

7. Today, Mr. Dilraj Singh Bhinder, Advocate, has caused appearance on behalf of respondent No.2, through a validly executed power of attorney in his favour. The same is taken on record.

8. He admits the *factum* of compromise between the parties and submits he has no objection in case the instant offence for which the petitioner has been convicted, is compounded and she is ordered to be discharged of notice notice of accusation served upon her.

9. This court has heard learned counsel for the parties concerned, and have gone through the record with their able assistance.

10. 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.....”

11. Be that as it may, keeping in view the fact that: (i) the dispute has been amicably settled between the parties concerned; (ii) the offence in question is compoundable; and (iii) compounding can be allowed at

any stage, this Court deems it fit and appropriate to allow the instant petition.

12. Consequently, the instant appeal is **allowed**, and, the petitioner is **discharged of** the notice of accusation served upon her. The impugned verdict of conviction and order of sentence, both dated 03.09.2022, as passed by the learned Judicial Magistrate Ist Class, Nabha as well as impugned order dated 03.10.2023, passed by the learned Additional Sessions Judge, Patiala, are hereby **set aside**.

13. The petitioner is directed to be released from custody, if not required in any other case. Her bail bonds and surety bonds, if any, also stand discharged.

14. All pending application(s) stand disposed of accordingly.

September 03, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No