

**CRR-1082-2024 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****113****CRR-1082-2024 (O&M)****Date of Decision : May 27, 2024****JATINDER KUMAR MANOCHA****-PETITIONER****V/S****VIVEK JOSHI AND ANR****-RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Jasmeet S. Ghumman, Advocate
for the respondent No.1.

Mr. Pardeep Bajaj, D.A.G., Punjab.

*********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 04.03.2023, whereby, the learned Magistrate concerned has convicted him 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 R.I. for a period of six months and to pay compensation of Rs.1,00,000/- to the complainant.

2. In addition, the petitioner has also assailed the verdict dated 09.05.2024, whereby, the learned Additional Sessions Judge concerned 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, he was directed to be taken into custody and sent to jail for serving



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the sentence imposed upon him.

3. The instant revision petition is also accompanied by an application seeking compounding of the offence under Section 138 of the N.I. Act, in view of the amicable settlement arrived at between the petitioner and the respondent No.1/complainant.

4. By drawing attention of this Court towards Annexure A-1, which is an affidavit sworn by the respondent No.1/complainant, the learned counsel for the petitioner has submitted that the dispute has been amicably settled between the parties, inasmuch as, the petitioner has made payment of the entire amount to the respondent No.1/complainant.

5. At this stage, Mr. Jasmeet S. Ghumman, Advocate, who records his appearance on behalf of the respondent No.1, under a memorandum of appearance instituted before this Court today, admits the factum of compromise between the parties. He further submits that, since the petitioner has discharged his liability, therefore, he has no objection in case he is acquitted from the charges framed against him.

6. As prayed for, the learned counsel for the respondent No.1 is permitted to, within three days from today, file a validly executed Vakalatnama in his favour by the respondent concerned, before Registry of this Court.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. 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:-

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

9. Be that as it may, keeping in view the fact that: (i) the dispute has been amicably settled between the parties, inasmuch as, the petitioner has made the entire payment to the respondent No.1/complainant; (ii) the offence in question is compoundable; and (iii) compounding can be allowed at any stage, this Court deems it appropriate to allow the instant petition.

10. 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 04.03.2023, as passed by the learned Judicial Magistrate 1st Class, Ferozepur, is set aside. Moreover, the impugned verdict dated 09.05.2024, whereby, the learned Additional Sessions Judge, Ferozepur, had upheld the conviction of the petitioner, is also set aside.

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

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

May 27, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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