

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CRR-1823-2017(O&M)

CRM-3955-2024

Date of Decision : April 29, 2024

MANITA

.....Petitioner

VERSUS

SMT.MADHU BALA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Mehak Sawhney, Advocate
for the petitioner.

Mr. Abhimanyu Singh, Advocate
for respondent No.1.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant revision petition, the petitioner has assailed the verdict of conviction dated 22.3.2017 and consequent thereto order of sentence dated 24.3.2017, whereby, the learned Sub Divisional Judicial Magistrate concerned 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 rigorous imprisonment for one year along with compensation of Rs.16,00,000/- under Section 357(3) Cr.P.C.
2. Thereupon, the petitioner preferred statutory appeal before the learned Sessions Judge, Bhiwani, however, the said appeal was also dismissed vide judgment dated 8.5.2017, which propelled the petitioner

to file the instant statutory revision before this Court under Section 401 Cr.P.C.

3. During the pendency of the instant petition, a compromise was effected between the parties and thereupon, this Court send the instant matter to the Mediation and Conciliation Centre of this Court, for recording of their respective statements.

4. As per the Mediation report, a settlement has been arrived at which is attached with the report as Annexure P-1. The petitioner has also filed an application bearing No. CRM-2122-2024 for compounding the offence.

5. Today, the learned counsel for the petitioner has made full and final payment of the settled amount, through her handing over a demand draft bearing No.650627 dated 28.3.2024 for Rs.7,60,000/-, as drawn in favour of the complainant, to the latter's counsel. Upon receipt of the full and final payment, the learned counsel for the respondent No.2/complainant has submitted that, since the petitioner has discharged her liability, therefore, the respondent No.2/complainant has no objection in case she is acquitted from the charges framed against her.

6. This Court has heard 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 dispute has been amicably settled *inter se* the parties, inasmuch as, the petitioner has made the entire payment of the settled amount to the respondent No.2/complainant, and that, the offence in question are 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 her. The impugned verdict of conviction dated 22.3.2017 and order of sentence dated 24.3.2017, as passed by the learned Sub Divisional Judicial Magistrate, Charkhi Dadri, is set aside *qua* the petitioner. Moreover, the impugned verdict dated 8.5.2017, whereby, the learned Additional Sessions Judge, Bhiwani, had upheld the conviction of the petitioner, is also set aside *qua* her.

10. 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.

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

(KULDEEP TIWARI)
JUDGE

April 29, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No