

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CRR-1410-2023
Date of Decision : February 07, 2024

JASKARAN SINGH -PETITIONER

V/S

SATNAM SINGH -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. S.S. Swaich, Advocate
for the petitioner.

Mr. A.S. Brar, Advocate
for the respondent.

KULDEEP TIWARI, J. (ORAL)

1. On 18.01.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

*“1. The learned counsels appearing for the contesting litigants
have jointly made a submission before this Court that the matter
has been settled inter se the parties, and, the petitioner has made
payment of the entire money, as was outstanding towards him.*

*2. In view of the submission made hereinabove, the parties are
directed to, within two weeks from today, appear before the
Mediation and Conciliation Centre of this Court, and, get their
respective statements recorded qua settlement/compromise.*

*3. List on 07.02.2024, in the urgent list, for awaiting the report of
the Mediation and Conciliation Centre qua
settlement/compromise inter se the parties.”*

2. In compliance of the hereinabove extracted directions, the
petitioner as well as the respondent had appeared before the Mediation
and Conciliation Centre of this Court on 29.01.2024, and, they affirmed

the factum *qua* amicable settlement of the dispute. To be precise, the respondent has, apart from conceding entire payment of the cheque i.e. Rs.5,00,000/- being made to him by the petitioner, also extended his 'No Objection' in case the petitioner is acquitted in the instant case.

3. The relevant extract of the report dated 29.01.2024, as sent by the Mediation and Conciliation Centre of this Court, is reproduced hereinafter:-

"3. That since the first party and second party have settled the matter amicably. The first party has made the entire cheque amount i.e. Rs.5,00,000/- to the second party by way of cash.

4. That the second party shall have no objection, if the first party is acquitted in CRR-1410 of 2023, in view of the fact that the dispute with regard to the non payment of cheque amount (Rs.5,00,000/-) already stands received by the second party.

5. That the second party undertakes not to initiate any civil or criminal proceedings against the first party with regard to the dispute in question (Cheque No.257807 dated 09.12.2019 of Punjab National Bank, Samrala, amounting to Rs.5,00,000/-)."

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

5. A two Judge Bench of 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....."

6. 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 cheque amount to the respondent, and that, the offence in question is compoundable, and that, compounding can be allowed at any

stage, this Court is constrained to allow the instant petition.

7. 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 16.07.2022, as passed by the learned Sub Divisional Judicial Magistrate, Baghapurana, in NACT/1/2020, whereby, petitioner was convicted under Section 138 of the Negotiable Instruments Act, is set aside. Moreover, the impugned judgment dated 15.03.2023, whereby, the learned Additional Sessions Judge, Moga, had upheld the conviction of the petitioner, is also set aside.

8. Bail bonds and surety bonds, if any, stand discharged.

February 07, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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