

**CRR-1180-2024 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****114****CRR-1180-2024 (O&M)****Date of Decision : September 02, 2024****SUBHASH****-PETITIONER****V/S****KRISHAN****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Mohan Singla, Advocate (Through V.C.)
for the petitioner.

Mr. Sunny Namdev, Advocate
for the respondent.

*********KULDEEP TIWARI, J. (ORAL)**

1. On oral request of the learned counsel for the petitioner, the instant revision petition is taken on board today itself for hearing.
2. Through the instant revision petition, the petitioner has assailed the verdict of conviction dated 21.05.2022 and the consequent thereto order of sentence dated 23.05.2022, 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 01 year and to pay the cheque amount of Rs.3,00,000/-, as compensation to the complainant. In default of payment of compensation, the petitioner has been sentenced to further undergo simple imprisonment for one month.
3. In addition, the petitioner has also assailed the verdict dated

**CRR-1180-2024 (O&M)****2**

20.05.2024, 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).

4. Consequent upon a ray of hope regarding amicable settlement becoming stemmed from the submissions advanced by the learned counsel for the petitioner, a Co-ordinate Bench of this Court had, vide order dated 05.06.2024, referred the matter to the Mediation and Conciliation Centre of this Court to explore the probabilities of settlement. The efforts of the mediator concerned reaped fruits, inasmuch as, a settlement agreement has been recorded between the parties on 01.07.2024, relevant extract whereof is reproduced hereunder:-

“5. The following settlement has been arrived at between the Parties hereto:

a) Both the parties mutually agree to settle the dispute in the present criminal revision for a total lump sum of Rs.1,80,000/- (Rupees One Lac and Eighty Thousand only). The first party has already deposited an amount of Rs.30,000/- before the learned trial Court and the second party got released the said amount from the learned trial Court. The first party has also deposited another amount of Rs.1,00,000/- (Rupees One Lac only) before the learned trial Court on 06.06.2024 and remaining amount of Rs.50,000/- (Rupees Fifty Thousand only) before the learned trial Court on 21.06.2024.

b) That the first party has no objection if the aforesaid amount of Rs.1,50,000/- (Rupees One Lac Fifty Thousand only) deposited with the learned trial Court is released/disbursed to the second party.

c) That second party undertakes to give his consent/no objection in case the conviction in the Criminal Revision detailed in the present settlement, is set aside by this Hon'ble Court.

c) Both the parties undertake that no other petition is pending between the parties arising out of the present dispute either against

**CRR-1180-2024 (O&M)****3**

each other or against each other's family members. In case any complaint/suit/petition etc. is so pending, which has skipped the notice of the parties, the same shall be withdrawn within one month from today.

d) Both the parties have further agreed that they will not file/pursue any litigation against each other or their respective family members arising out of the present dispute, which is a subject matter of the present settlement.”

5. At this stage, Mr. Sunny Namdev, Advocate, who records his appearance on behalf of the respondent, under a validly executed Vakalatnama instituted before this Court today, admits the factum of settlement/compromise between the parties. He further submits that, in view of the settlement agreement, the respondent has no objection in case the petitioner is acquitted from the charges framed against him.

6. 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.....”

7. Be that as it may, keeping in view the fact that: (i) the dispute has been amicably settled between the parties, as is evident from the settlement deed dated 01.07.2024; (ii) the settlement deed (supra) embodies the “No Objection” of the respondent/complainant regarding setting aside of petitioner’s conviction; (iii) the offence in question is compoundable; and (iv) compounding can be allowed at any stage, this Court deems it appropriate to allow the instant petition.

8. 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 dated 21.05.2022 and the consequent thereto order of sentence dated 23.05.2022, as passed by the learned Sub Divisional Judicial Magistrate, Tosham, is set aside. Moreover, the impugned verdict dated 20.05.2024, whereby, the learned Additional Sessions Judge, Bhivani, had upheld the conviction of the petitioner, is also set aside.
9. Bail bonds and surety bonds of the petitioner, if any, stand discharged.
10. The respondent/complainant is at liberty to, by making an appropriate application, withdraw the amount deposited by the petitioner with the learned trial Court concerned.
11. All pending application(s) stand disposed of accordingly.

September 02, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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