



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

**CRM-32953-32954-32955-2024 in/and
CRR-1157-2024**

Date of Decision : 23.08.2024

RAM KUMAR VERMA

.....Applicant/Petitioner

VERSUS

SATISH KUMAR BHARDWAJ AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Virender Soni, Advocate,
for the applicant/petitioner.

Ms. Kiran Devi Bamel, Advocate,
for respondent no.1.

Mr. Rajesh Gaur, Addl.A.G., Haryana,
for respondent no.2.

KULDEEP TIWARI, J.(Oral)

CRM-32953-2024

1. Through the instant application, prayer is made for preponement of the date of hearing in the accompanying petition, as the matter has now been amicably settled between the parties concerned.

2. For the good and valid reason assigned in the application, same is allowed, and the date of hearing in the main case is preponed to today itself.

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3. For the good and valid reason assigned in the application, the same is allowed, and copy of compromise deed dated 13.08.2024 is taken on record as Annexure A-1.

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4. Through the instant revision petition, the petitioner has assailed the verdict of conviction dated 31.01.2022, and consequent thereto, order of sentence dated 02.02.2022, 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'), in complaint case No.NACT/1473/2017, and, sentenced him to undergo rigorous imprisonment for a period of one year, and to pay compensation to the tune of double of the amount of the cheque, within 03 months from date of order and in default thereof to further undergo simple imprisonment for 03 months.

5. In addition, the petitioner has also assailed the verdict dated 04.05.2024, 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, it was also directed to take the petitioner into custody, and he was sent to jail, for serving the sentence as imposed upon him.

6. The instant revision petition is also accompanied by an application (CRM-32955-2024) seeking compounding of the offence under Section 147 of the Negotiable Instruments Act, 1881, in view of the amicable settlement arrived at, between the petitioner and the

complainant (respondent no.2), in terms of compromise deed dated 13.08.2024 (Annexure A-1).

7. Notice in the application.

8. Ms. Kiran Devi Bamel, Advocate, caused appearance on behalf of complainant/respondent no.1, through a validly executed power of attorney in her favour, which is taken on record and accepts notice, whereas Mr. Rajesh Gaur, Addl.A.G., Haryana, accepts notice on behalf of respondent no.2-State.

9. Learned counsel for respondent no.1, admits the *factum* of compromise arrived at between the parties vide Annexure A-1.

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

11. 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.....”

12. Be that as it may, keeping in view the fact that: (i) the dispute has been amicably settled between the parties concerned in terms of compromise deed dated 13.08.2024 (Annexure A-1); (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.

13. Consequently, the instant revision petition is **allowed**, and, the petitioner is **acquitted** of the notice of accusation served upon him.

The impugned verdict of conviction dated 31.01.2022 and order of sentence dated 02.02.2022, as passed by the learned trial Court concerned, is set aside. Moreover, the impugned verdict dated 04.05.2024, whereby, the learned Additional Sessions Judge concerned, had upheld the conviction of the petitioner, is also set aside.

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

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

August 23, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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