

112(2)

2024:PHHC:046860

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1454-2019(O&M)

Decided On: 04.04.2024

RAJESH KUMAR

.....PETITIONER(s)

Versus

R.K. BERWAL

.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Kohar, Advocate
for the applicant-petitioner.

MANJARI NEHRU KAUL, J.(Oral)

CRM-13785-2023

Prayer in this application for placing on record the original copy of
compromise deed dated 23.02.2024 as Annexure PX/1.

For the reasons mentioned in the application, the same is allowed
subject to all just exceptions. Annexure PX/1 is taken on record.

CRM-13786-2024

Prayer in this application is for preponing the date of hearing of the
case from 01.05.2024 to an advance date.

Notice in the application.

Learned counsel for the respondent has endorsed no objection in
case the main case is taken up today, who has been served in advance with the
present application.

Main case is taken on Board.

CRR-1459-2019(O&M)

The petitioner is impugning the judgment dated 13.05.2019 passed by learned Additional Sessions Judge, Hisar, vide which his appeal has been dismissed while affirming the judgment dated 02/03.04.2018 passed by learned Judicial Magistrate 1st Class, Hisar, whereby the petitioner has been convicted for offence under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') and sentenced to undergo simple imprisonment for 01 year and to pay a compensation of Rs.10,00,000/- and in default of which simple imprisonment for a period of three months.

2. The petitioner has also filed an application bearing CRM No.13844 of 2024 under Section 147 N.I. Act read with Section 320 Cr.P.C. for compounding of the offence on the basis of compromise arrived at between the parties.

3. Learned counsel for the petitioner, inter alia, contends that subsequent to his conviction under Section 138 of the Negotiable Instruments Act vide order dated 02/03.04.2018 by learned Judicial Magistrate 1st Class, Hisar, the parties had effected a compromise by way of compromise deed dated 23.02.2024 (Annexure PX/1) as the cheque amount in question stood paid to the complainant and which had subsequently been also accepted by him. A prayer has, therefore, been made for compounding the offence on the basis of compromise arrived at between the parties. In support, he has relied upon ***A.T. Sivaperumal Vs. Mohammed Hyath (D) By Lrs.' 2017 (2) R.C.R. (Criminal) 453 and A.J. Asana Vs. Sittrarasu 2019 (5) R.C.R. (Criminal) 568.***

4. Learned counsel for the complainant does not dispute the submissions made by the counsel opposite and also does not oppose his prayer for compounding the offence.

5. I have heard learned counsel for the parties and perused the relevant material on record.
6. In view of the fact that the parties have amicably settled their dispute and the petitioner has paid the entire amount to the respondent/complainant, CRM No.13844 of 2024 is allowed and the offence under Section 138 of the N.I. Act is hereby compounded.
7. Since, the application for compounding of offence is allowed, the instant revision petition is also allowed and impugned judgments and order of conviction are set aside.
8. Pending application, if any, stands disposed of.

04.04.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No