

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

274

CRR-2430-2018(O&M)
Date of Decision : **December 10, 2024**

AJMER

.....Petitioner

VERSUS

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ajmer, petitioner-in-person.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Munish Kumar Garg, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. Through the instant revision petition, the petitioner has assailed the verdict of conviction dated 5.4.2017, and consequent thereto order of sentence dated 7.4.2017, whereby, the learned Judicial Magistrate 1st Class 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.3,00,000/- under Section 357(3) Cr.P.C.

2. Thereupon, the petitioner preferred statutory appeal before the learned Addl. Sessions Judge, Jind, however, the said appeal was also

dismissed vide judgment dated 11.7.2018, which propelled the petitioner to file the instant statutory revision before this Court under Section 401 Cr.P.C.

3. A co-ordinate Bench of this Court had passed the following order on 26.2.2020:-

“On 02.08.2018, this Court passed the following order:-

“The learned counsel for the petitioner submits that the petitioner is willing to compromise the matter and that out of the total amount of Rs.3 lacs, the wife of the petitioner has today brought an amount of Rs.1 lac in cash and that arrangement for a balance amount of Rs.2 lacs would be made within a period of three months from today.

Notice of motion to probe the possibility of compromise for 7.9.2018.

In the meantime, the sentence imposed upon the petitioner is ordered to be suspended by way of an interim measure so as to enable him to arrange for the balance amount of Rs.2 lacs. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jind.”

Out of balance amount of Rs.2,00,000/-, in the last more than 01 year and 06 months, the petitioner has made a payment of Rs.1,60,000/- and amount of Rs.40,000/- is still due. This position stands reflected in order dated 22.05.2019 passed by this Court.

Learned counsel for the petitioner prays for yet another opportunity to make the payment of the amount of Rs.40,000/-. His prayer is accepted and the petitioner is granted six weeks time to make the said payment. In case, the payment is not made, the order dated 02.08.2018, granting bail to the petitioner, will liable to be recalled.

Adjourned to 15.04.2020.

Interim order to continue till then.”

4. Thereupon, none has caused appearance on behalf of the petitioner, which forced this Court to issue bailable warrants against the present petitioner.

5. Today, the learned counsel for the petitioner has caused appearance, and submits that the entire amount has already been paid to the complainant.

6. Learned counsel for the respondent-complainant, also admit the factum of receiving the entire payment, and submits that, since the petitioner has discharged his liability, therefore, respondent No.2/complainant, has no objection in case he is acquitted from the charges framed against him.

7. This Court has heard learned counsel for the parties concerned, and has gone through the record with their able assistance.

8. 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.....”

9. 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 disputed amount, and has settled the dispute with respondent No.2/complainant, 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.

10. 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 5.4.2017, and consequent thereto order of sentence dated 7.4.2017, as passed by the learned Judicial Magistrate 1st Class, Jind, is set aside *qua* the petitioner. Moreover, the impugned verdict dated 11.7.2018, whereby, the learned Additional Sessions Judge, Jind, had upheld the conviction of the petitioner, is also **set aside *qua* petitioner.**

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

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

December 10, 2024
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(KULDEEP TIWARI)
JUDGE

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