



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

CRR-872-2018 (O&M)
Date of Decision : 28.05.2024

JATINDER KUMAR

.....Applicant/Petitioner

VERSUS

RAKESH KUMAR

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vinay Puri, Advocate,
for the applicant/petitioner.

Mr. Parvinder Singh, Advocate,
for the respondent.

KULDEEP TIWARI, J.(Oral)

1. Through the instant revision petition, the petitioner has assailed the verdict of conviction dated 11.09.2015, and consequent thereto, order of sentence of even date, 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/0004774/2013, and, sentenced him to undergo rigorous imprisonment for a period of 1 ½ years, and to pay fine of Rs.2,500/- to the complainant. In default of payment of fine rigorous imprisonment for one month.

2. In addition, the petitioner has also assailed the verdict dated 11.12.2017, 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, and further, it was directed to take the petitioner into custody, and was sent to jail, for serving the sentence as imposed upon him.

3. The instant revision petition is also accompanied by an application seeking compounding of the offence under Section 138 of the Negotiable Instruments Act, 1881, in view of the amicable settlement arrived at between the petitioner and the respondent/complainant, inasmuch as the petitioner has made payment of the entire amount to the respondent/complainant.

4. Learned counsel appearing on behalf of the respondent, admits the *factum* of compromise between the parties. He further submits that, since the petitioner has discharged his liability, therefore, he has no objection in case he is acquitted from the charges framed against him.

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

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 concerned, inasmuch as,

the petitioner has made the entire payment to the respondent/complainant;
(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.

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 and order of sentence dated 11.09.2015, as passed by the learned trial Court concerned, is set aside. Moreover, the impugned verdict dated 11.12.2017, whereby, the learned Additional Sessions Judge concerned, had upheld the conviction of the petitioner, is also set aside.

9. 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.

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

May 28, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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