

**CRR-1194-2024 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.114****Case No. : CRR-1194-2024 (O&M)****Decided On : September 12, 2024**

Gaurav Mahajan @ Bablu

.... Petitioner

vs.

Surinder Kumar and another

.... Respondents

**CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.**

\* \* \*

Present : Mr. L. M. Gulati, Advocate  
for the petitioner.Mr. Satvinder Singh, Advocate  
for respondent no.1.Ms. Manjot Kaur, AAG, Punjab  
for respondent no.2 – State of Punjab.

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**GURBIR SINGH, J. :**

**1. CRM-25276-2024 :** This is application under Section 5 of the Limitation Act for condonation of delay of 351 days in filing the present Criminal Revision petition.

1.1 For the reasons mentioned in the application, the same is allowed and delay of 351 days in filing the present revision petition is hereby condoned. The application stands disposed of.

**2. CRM-30781-2024 :** This is application for placing on record documents Annexures A-1 to A-3 and for exempting the petitioner from filing the certified copies as well as typed copies of the same.

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2.1 For the reasons mentioned in the application, the same is allowed and documents Annexures A-1 to A-3 are ordered to be taken on record, subject to all just exceptions. The application stands disposed of.

3. **CRM-30782-2024 and CRM-34641-2024** : Both these applications have been filed for preponing the date of hearing from 30.09.2024 to some early date.

3.1 For the reasons mentioned in both the applications, the same are allowed and date of hearing in the main case is preponed from 30.09.2024 to today itself i.e. 09.09.2024. The main case is taken up on board for final hearing.

4. **CRM-30783-2024** : This application has been moved for making necessary correction in the 'Memo of Parties' as at the time of filing the petition, LR of respondent no.1 – Surinder Kumar (since deceased) was not mentioned as party to the present case. It is also prayed that 'Amended Memo of Parties' be taken on record.

4.1 For the reasons mentioned in the application, the same is allowed and 'Amended Memo of Parties' is ordered to be taken on record, mentioning the name of LR of deceased Surinder Kumar. The application stands disposed of.

5. **CRM-34640-2024** : This is application for placing on record copy of compromise effected between the petitioner and respondent no.1 as Annexure P-4 and further, for exemption from filing certified copy of the same.

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and copy of compromise effected between the petitioner and respondent no.1 is ordered to be taken on record as Annexure P-4. The application stands disposed of.

6. **CRM-34642-2024** : This is application under Section 147 of the Negotiable Instruments Act, read with Section 320 Cr.P.C., for compounding of the offence.

6.1 In view of the fact that the matter has been amicably settled between the petitioner and respondent no.1, the offence in question is compoundable and for the reasons mentioned in the application, the same is allowed and parties are permitted to compound the offence in this case.

7. **Main Case** : The present revision petition has been filed against the judgment dated 19.04.2019, passed by learned Judicial Magistrate Ist Class, Amritsar (hereinafter referred to as – the Trial Court), whereby the petitioner was convicted and sentenced for six months' rigorous imprisonment, for offence punishable under Section 138 of the Negotiable Instruments Act, and was further directed to pay compensation to the complainant – respondent no.1 to the tune of Rs.1,20,000/- (total cheque amount). In default of payment of compensation, he was further sentenced to undergo rigorous imprisonment for two months.

8. Aggrieved against the aforesaid judgment, the petitioner filed appeal before the learned Additional Sessions Judge, Amritsar, which was dismissed vide judgment dated 06.03.2023.

9. Briefly, the case of the petitioner is that he and respondent no.1

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from respondent no.1 and in lieu thereof, issued a cheque of the same amount in favour of respondent no.1. However, the said cheque was dishonoured on its presentation with the remarks 'Insufficient Funds'. So, the complaint in question was filed against the petitioner. In that complaint case, the petitioner was convicted as discussed above and appeal preferred by him was also dismissed.

**10.** Learned counsel for the petitioner has contended that during pendency of the appeal, a settlement dated 13.08.2022 was effected between the parties for a sum of Rs.1,05,000/- and it was agreed that the petitioner would pay to the LR of respondent no.1 a sum of Rs.41,000/- on 13.09.2022 and a sum of Rs.40,000/- on 13.10.2022. It was also stated during settlement that a sum of Rs.24,000/- was also deposited in favour of respondent no.1 Surinder Kumar on 09.07.2019 in the learned Trial Court. Later, the petitioner could not materialize the aforesaid settlement due to some losses faced by him but now, he has arranged the remaining settlement amount of Rs.81,000/-. A copy of Demand Draft in this regard has been annexed as Annexure P-3.

**11.** With the aforesaid submissions, learned counsel for the petitioner has prayed that the petitioner has faced agony of trial for the last about six years. He is in custody since 27.04.2024 and is presently confined in Central Jail, Amritsar in this case. As per Compromise dated 23.08.2024, already placed on record, the matter is settled. The balance amount is already paid to respondent no.1 – complainant by way of Demand Draft. So,

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12. Learned State counsel and learned counsel for respondent no.1 have not disputed the aforesaid submissions made by learned counsel for the petitioner and have admitted that compromise has been effected between the parties. It is further submitted that the parties have settled the dispute vide compromise dated 23.08.2024. Respondent no.1 had already received the Demand Draft of Rs.81,000/-. They have no objection if the present revision petition is allowed, the judgment passed by the learned Trial Court be set aside and the petitioner is acquitted in this case.

13. I have heard the submissions made by learned counsel for the parties and have also gone through the case file.

14. The matter in hand pertains to a complaint under Section 138 of the Negotiable Instruments Act. The complaint was filed on the ground that the cheque issued by the petitioner was dishonoured for want of funds and the petitioner failed to pay the amount of cheque despite notice of demand. So, the petitioner was convicted by the learned Trial Court. The appeal filed by the petitioner was dismissed. The offence under Section 138 of the Negotiable Instruments Act is compoundable.

15. Keeping in view that the parties have entered into compromise, permission to compound the offence has already been granted and parties can live peacefully, the interest of justice requires that this revision petition is allowed and judgment passed by the learned Trial Court is set aside.

16. Thus, the present revision petition is allowed. The impugned judgments passed by the learned Trial Court and Appellate Court are set



He is ordered to be released from jail immediately.

17. Pending applications, if any, shall stand disposed of along with this judgment.

September 12, 2024  
monika

(GURBIR SINGH)  
JUDGE

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|-----------------------------|---------|
| Whether speaking/reasoned ? | Yes/No. |
| Whether reportable ?        | Yes/No. |