



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

CRM-M-33474-2023 (O&M)
Date of Decision : 07.08.2024

SATISH KUMAR AND ANOTHERPetitioners

VERSUS

STATE BANK OF INDIARespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rahul Dev Singh, Advocate,
for the petitioners.

Mr. Akshay Jain, Advocate with
Mr. Mahesh Sharma, Deputy Branch Manager,
SBI.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 482 Cr.P.C. seeking quashing of complaint bearing no.189 of 2012, dated 11.05.2012 (Annexure P-1), under Section 138 Negotiable Instruments Act, 1881 as well as the impugned judgment dated 20.04.2015 (Annexure P-2), passed by the learned Chief Judicial Magistrate, Pathankot, whereby the petitioners were convicted and sentenced to under rigorous imprisonment for one year and to pay a fine of Rs.2,500/- and in default to further undergo for a period of 30 days, alongwith the impugned judgement dated 30.07.2016 (Annexure P-3), passed by the learned appellate authority concerned, whereby statutory appeal filed by the petitioners, against the impugned judgment/order 20.04.2015 (Annexure P-2), was dismissed, on the ground that the entire cheque amount has been paid.

2. Learned counsel for the petitioners submits that in fact the dispute was with regard to the loan amount, which the petitioners had obtained from the respondent-bank and now under OTS scheme that loan amount has been settled and a 'No Due Certificate' (NOC) dated 30.10.2021, has been issued to them.

3. Learned counsel for the petitioners submits that though petitioner no.1, has suffered the entire sentence, as imposed upon him, however, petitioner no.2, has not been arrested so far after the dismissal of the first appeal.

4. During the pendency of the instant petition, a compromise has been effected between the parties concerned, which led them to file an application (CRM-30557-2024) under Section 147 of the Negotiable Instruments Act, 1881, for seeking compounding of offences as petitioner no.2, has already paid the disputed amount, to the respondent-bank.

5. On the last date of hearing i.e. 25.07.2024, this Court had directed the authorised representative of the respondent bank to cause appearance before this Court, and in pursuance thereof Mr. Mahesh Sharma, Deputy Branch Manager, SBI, has appeared and instructed his counsel that the respondent-bank has no objection in case, the instant complaint is quashed, as the matter has been compromised *inter se* the parties, as the loan amount has been fully paid, and in lieu thereof, No Dues Certificate has also been issued to the petitioners.

6. In order to seek the relief (*supra*), the learned counsel for the petitioners has placed reliance upon the judgment of the Hon'ble Supreme

Court passed in the case of “**Ram Gopal and another Vs. State of Madhya Pradesh** “ **reported as 2021 SCC OnLine SC 834.**

7. This court has heard learned counsel for the parties concerned, and have 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: (i) the dispute has been amicably settled between the parties concerned, as entire loan amount has been paid by petitioner no.1 to the respondent-bank and in lieu thereof NOC has been issued; (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 appeal.

10. Consequently, the instant appeal is **allowed**, and, the petitioners are **discharged of** the notice of accusation served upon them. The impugned verdict of conviction and order of sentence, both dated 20.04.2015 (Annexure P-2), as passed by the learned Chief Judicial Magistrate, Pathankot as well as impugned order dated 30.07.2016 (Annexure P-3), passed by the learned Additional Sessions Judge, Pathankot, are hereby **set aside**.

11. The petitioners are directed to be released from custody, if not required in any other case. Their bail bonds and surety bonds, if

any, also stand discharged.

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

August 07, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No