

2024:PHHC:040588
CRR-1578-2023 (O&M)
Date of Decision:19.03.2024

SANDEEP SETIA

...Petitioner

VERSUS

RAHUL GROVER AND ANR

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Shikant Mehta, Advocate for
Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

1. The present revision petition has been filed by the petitioner/accused seeking setting aside of judgment dated 24.04.2023 passed by the Court of Additional Sessions Judge, Karnal whereby the appeal filed by petitioner against judgment and order dated 14/17.09.2022 passed by the Court of Judicial Magistrate First Class, Karnal whereby petitioner was convicted and sentenced to RI for 6 months and to pay compensation worth Rs.3,00,000/- and in default of payment of compensation within a period of one month to further undergo RI for one month under Section 138 of Negotiable Instruments Act (in short NI Act), was dismissed.

2. The brief facts of the case are that respondent No.1-Rahul Grover filed Criminal Complaint No.3143 of 2018 under Section 138 of NI Act against the petitioner on account of dishonour of cheque of Rs. 2,50,000/- dated 05.02.2018 issued by petitioner in his favour. On completion of trial, petitioner was convicted and sentenced as is detailed above vide judgment and order dated 14/17.09.2022. Being aggrieved petitioner filed an appeal which was dismissed by the Court of Additional Sessions Judge, Karnal vide judgment dated 24.04.2023. Still being not satisfied petitioner filed the present revision petition.

3. During pendency of the revision petition, the counsel for both

the parties made statement that matter has been compromised between the parties and entire settled amount is paid by petitioner to respondent No.1. In light of said statement, this Court vide order dated 01.09.2023 directed the parties to appear before the Mediation and Conciliation Centre of this Court on 18.09.2023 for the purpose of recording of their statements. In compliance of the said order, the mediator submitted his report that matter stands compromised and settlement deed is dated 18.09.2023. The said report was taken on record along with settlement deed. The counsel for the petitioner made statement that as per settlement, entire amount is already paid to respondent No.1 by the petitioner.

4. Today, there is no representation on behalf of respondent No.1. From the perusal of settlement deed dated 18.09.2023, it appears that matter has been amicably settled between the parties and the parties mutually agreed to withdraw the cases against each other including complaint case.

5. In the light of the above, it stands proved that parties have entered into compromise and as such permission is given to compound the offence punishable under Section 138 of NI Act in the present case. Criminal complaint No.3143 of 2018 titled Rahul Grover Vs. Sandeep Setia and all the consequential proceedings therein are ordered to be quashed, the offence under Section 138 of NI Act having been compounded.

6. Consequently, the present petition is allowed and petitioner is acquitted of an offence punishable under Section 138 of NI Act.

7. Pending application, if any, stands disposed of.

19.03.2024*Yogesh***(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**