



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-1437-2024(O&M)

Date of Decision:-29.08.2024

Tilak Raj.

.....Petitioner.

Vs.

Krishan Kumar & Anr.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ajay Gupta, Advocate for
Mr. Gourav Verma, Advocate for the Petitioner.

Mr. Nitish Sharma, Advocate for the Respondent.

Mr. Parveen Kumar Aggarwal, DAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

CRM-30923-2024

This is an application filed under Section 5 of the Limitation Act, 1963 seeking condonation of 98 days delay in filing the present revision petition.

Heard.

For the reasons stated in the application, the same is allowed and delay of 98 days in filing the present appeal is condoned.

CRR-1437-2024(O&M)

The present revision petition has been filed against the judgment dated 01.03.2024 passed by the Additional Sessions Judge,



Sonipat vide which the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 18.01.2024 passed by the Sub Divisional Judicial Magistrate, Kharkhoda has been dismissed.

2. The brief facts of the case are that in discharge of his legal liability, the petitioner/accused issued four cheques bearing Nos.001858, 001859, 001860 and 001861 dated 11.09.2017 for an amount of Rs.50,000/- each in favour of the complainant which came to be dishonoured. Pursuant thereto, the accused came to be summoned under the provisions of the 138 of the Negotiable Instruments Act, 1881 vide order dated 05.06.2023 passed by the JMJC, Kharkhoda, Sonipat.

3. The evidence was led and ultimately, the accused was held guilty and accordingly, convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for a period of 01 year. The accused was also ordered to pay an amount of Rs.3,00,000/- as compensation to the complainant.

4. Aggrieved against the said judgment of conviction and order of sentence, the accused preferred an appeal before the Additional Sessions Judge, Karnal, which came to be dismissed on 01.03.2024.

5. Still aggrieved, the present revision petition has been preferred by the accused. During the pendency of the present criminal revision petition, a compromise in the shape of affidavit dated 28.08.2024 has been arrived at between the parties. The copy of the said affidavit is taken on record as **Mark-A**. It would be relevant to mention here that a combined reading of Section 147 of the Negotiable Instruments Act alongwith Section 320 Cr.P.C. would establish that where a settlement has been effected, the offence under Section 138 of the Negotiable Instruments Act can be compounded on account of the fact that a mutual compromise has been



effected between the parties.

6. The learned counsel for the complainant has accepted the factum of the compromise and has stated that he has no objection if the offence is compounded and the petitioner is acquitted of the charges framed against him.

7. I have heard the learned counsel for the parties.

8. This Court in 'Ramesh Chander Vs. State of Haryana and another, 2007(1) RCR (Criminal) 245' held as under:-

“4. As per the provisions of Section 147 of the Act, the offence under Section 138 is compoundable. Section 147 reads as under:-

“Offence to be compoundable-

Notwithstanding anything contained in the Criminal Procedure Code, 1973(2 of 1974), every offence punishable under this Act shall be compoundable”.

5. The compounding of the offence under Section 138 can be done during the trial of the case as well as by the High Court or Court of Session while acting in the exercise of its power of revision under Section 401 Criminal Procedure Code Reference may be made to Section 320(6) Criminal Procedure Code in this regard.

6. Further, under Section 320(8) Criminal Procedure Code the composition of an offence shall have the effect of acquittal of the accused with whom the offence has been compounded.”

9. This Court in 'Vatsa Electronics Vs. Pala Ram & Anr. decided on 09.03.2022 in CRR-1585-2019' has also held that once a settlement is being effected, then in terms of Section 147 of the Negotiable Instruments Act and Section 320 Cr.P.C., the accused ought to be acquitted as the offence stands compounded.

10. The admitted position is that the matter stands settled on the



basis of compromise/settlement between the parties.

11. In view of the above, since, the parties have voluntarily settled the disputes between themselves, it is a fit case for allowing them to compound the offence.

12. Accordingly, the present revision petition is allowed and subject to a deposit of Rs.10,000/- as cost with the Spinal Rehab Centre, Chandigarh Plot No.1, Madhya Marg, Sector 28-A, Chandigarh the judgment dated 01.03.2024 passed by the Additional Sessions Judge, Sonipat and the judgment of conviction and order of sentence dated 18.01.2024 passed by the Sub Divisional Judicial Magistrate, Kharkhoda are hereby set aside. The petitioner is acquitted of the charges under Section 138 of the Negotiable Instruments Act.

(JASJIT SINGH BEDI)
JUDGE

August 29, 2024

Vinay

Whether speaking/reasoned	Yes
Whether reportable	Yes