

**CRR-1414-2024 (O&M)****- 1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRR-1414-2024 (O&M)**Date of decision: 05.08.2024**

Tirath Ram

...Petitioner

Versus

Rakesh Kumar and another

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Paramjit Singh Bal, Advocate for the petitioner.

Mr. Madan Sandhu, Advocate for respondent No.1.

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J.(Oral)**CRM-30521-2024**

This application is for condonation of delay of 229 days in preferring the petition.

For the reasons mentioned in the application, the same is allowed. Delay of 229 days in filing the revision petition is condoned.

CRM-30522-2024

Application is allowed as prayed for.

CRR-1414-2024

The present revision petition has been filed against the judgment dated 13.09.2023 passed by the Additional Sessions Judge, Ludhiana, vide which the appeal preferred by the petitioner against the

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judgment of conviction and order of sentence dated 22.01.2020 passed by the Judicial Magistrate, 1st Class, Khanna, has been dismissed.

2. The brief facts of the case are that in discharge of his legal liability, the petitioner/accused issued a cheque bearing No.047223 for an amount of Rs.1,10,000/- in favour of the complainant which came to be dishonoured. Pursuant thereto, the accused sent a legal notice on 02.11.2015 by registered post which was returned back by the accused.

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 simple imprisonment for a period of 01 year. The accused was also ordered to pay an amount of Rs.1,51,000/- 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, Ludhiana, which came to be dismissed on 13.09.2023.

5. Still aggrieved, the present revision petition has been preferred by the accused. During the pendency of the present criminal revision petition, a compromise has been arrived at between the parties on 19.07.2024 (Annexures P-1). 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 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 has been 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 and the

compromise/settlement between the parties dated 19.07.2024 (Annexure P-1) is already on record.

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 revision petition is allowed and the judgment dated 13.09.2023 passed by the Additional Sessions Judge, Ludhiana and the judgment of conviction and order of sentence dated 22.01.2020 passed by the Judicial Magistrate, 1st Class, Khanna are hereby set aside. The petitioner is acquitted of the charges under Section 138 of the Negotiable Instruments Act.

13. Pending application, if any, shall also be disposed of accordingly.

(KIRTI SINGH)
JUDGE

05.08.2024

Kapil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No