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

CRR-1432-2024 (O&M)

Date of Decision: 22.08.2024

Jaswinder Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amrik Singh, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Ms. R.K. Grewal, Advocate, for respondent No.2.

Rajesh Bhardwaj, J. (Oral)

1. Present revision petition has been filed by the petitioner impugning the order of conviction dated 22.02.2023 passed by learned trial Court and order dated 06.07.2024, whereby, appeal filed by the petitioner against the order dated 22.02.2023, was dismissed.

2. The case as enumerated from the facts is that a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act) was filed against the petitioner by respondent No.2 on the allegations that in November 2016, the accused-petitioner requested complainant-respondent No.2 to give an amount of Rs.12,00,000/- and thereafter, on 08.11.2016, complainant-respondent No.2 advanced a loan of Rs.12,00,000/- to the accused-petitioner. The petitioner assured to repay the said amount in the first week of October, 2018. Thereafter, in order to discharge his legal liability, the petitioner issued a cheque No.672291 dated 03.10.2018 for a sum of Rs.12,00,000/- drawn on State Bank of India, Branch Ropar. However, on presentation, the said cheque was dishonoured with the remark

“Wrong Account Number”. Legal notice was sent by the complainant to the



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petitioner, but the petitioner failed to make the payment of the cheque amount and thus, a complaint was filed. On the conclusion of trial, the petitioner was convicted and sentenced under Section 138 of the Negotiable Instruments Act, to undergo rigorous imprisonment for a period of two years. The petitioner was also burdened with compensation to the tune of cheque amount alongwith interest @ 9% per annum from the date of issuance of cheque till the date of conviction. Aggrieved by the conviction and sentence awarded by learned JMIC, the petitioner assailed the same by way of filing an appeal before the learned Appellate Court. Learned Appellate Court, finding no merit in the appeal, dismissed the same by upholding the conviction of the petitioner vide its order dated 06.07.2024. Hence, the petitioner has approached this Court by way of filing the present revision petition challenging the above said orders.

3. Learned counsel for the petitioner has fairly submitted that during the pendency of the present petition the parties have settled the dispute for Rs.12,00,000/- to be paid by the petitioner to the complainant and the said amount has been paid to complainant-respondent No.2 and now nothing is due against them. He has placed on record the copy of demand draft No.992675 dated 17.08.2024 amounting to Rs.12,00,000/- drawn on Canara Bank, Rupnagar-II Branch, Rupnagar, which he handed over to learned counsel for the complainant in Court today. He has further submitted that once the parties have settled the dispute amicably, then in view of the law settled, the petitioner be allowed to compound the offence and he be acquitted of the charge under Section 138 of Negotiable Instruments Act. He has placed reliance on the law laid down by Hon'ble



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Supreme Court in **Raj Reddy Kallem vs. The State of Haryana and another**, Law Finder Doc Id# 2557645, wherein, it has been held that there is no bar to seek the compounding of the offence at later stage of criminal proceedings including after conviction.

4. Learned counsel for respondent No.2 has affirmed the contentions raised by learned counsel for the petitioner and has submitted that complainant-respondent No.2 has received the settled amount of Rs.12,00,000/- and he has no objection, if the present petition is allowed.

5. As the parties have compromised the matter and have buried the hatchet, no purpose would be served by punishing the petitioner, who has already honoured the terms of the compromise, which fact has been affirmed by learned counsel for respondent-complainant. In **Raj Reddy Kallem's** case (supra), it has been held that the accused must try for compounding of the offence at the initial stages instead of later stages, however, there is no bar to seek the compounding of offence at later stage of criminal proceedings including after conviction.

6. So keeping in view above facts and the law settled by Hon'ble Supreme Court, the petitioner is allowed to compound the offence and he is ordered to be acquitted of the charges framed against him. As a consequences, the order dated 06.07.2024 passed by learned Additional Sessions Judge, Fast Track Court, Ferozepur and order dated 22.02.2023 passed by JMIC, Ferozepur, convicting and sentencing the petitioner under Section 138 of the NI Act, are set aside.

7. While taking into consideration the observations made by Hon'ble Supreme Court in **Damodar S. Prabhu vs. Sayad Babalal H.**

2010(2) RCR (CrI.) 851, the present revision petition is allowed subject to deposit of cost of Rs.1,80,000/- (being 15% of the cheque amount) /within a period of three months from today. The cost shall be deposited in the Court of learned JMIC, Ferozepur within above-said period and on his doing so, learned JMIC, Ferozepur will issue notice to the complainant and on his appearance, the amount of cost will be released to him forthwith.

6. In case the petitioner fails to deposit the abovesaid amount within three months from today, the order 06.07.2024 passed by learned Additional Sessions Judge, Fast Track Court, Ferozepur and order dated 22.02.2023 passed by JMIC, Ferozepur would become operational and the present petition would be deemed to have been dismissed. Copy of this order be sent to the Court of learned JMIC, Ferozepur for necessary action.

7. Revision petition is disposed of in above terms.

22.08.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No