



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

CRR-2150-2019

Date of decision: 04.10.2024

Sakawat Khan

...Petitioner

Versus

Ravi Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Munfaid Khan, Advocate for the petitioner.

Dr. Hardeep Singh, Advocate for

Mr. Shashikant Singh, Advocate for the respondent.

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioner/accused seeking setting aside of judgment dated 09.08.2019 passed by the Court of Additional Sessions Judge, Faridabad whereby the appeal filed by petitioner against judgment and order dated 2/3.11.2017 passed by the Court of Judicial Magistrate Ist Class, Faridabad, whereby petitioner was convicted and sentenced to undergo SI for three months and to pay a compensation of Rs.1.5 lacs, was dismissed.

2. The brief facts of the case are that petitioner issued cheque bearing No.505029 dated 17.07.2014 for Rs.1,00,000/-, in favour of respondent Ravi Kumar, in lieu of his outstanding liability. On presentation, the said cheque was dishonored and then on completion of all the formalities, respondent filed complaint under Section 138 NI Act and on conclusion of trial, petitioner was convicted and sentenced to imprisonment



and to pay a compensation as has been detailed in the opening paragraph of present judgment.

3. Being aggrieved, petitioner filed appeal which was also dismissed by the Court of Additional Sessions Judge, Faridabad vide judgment dated 09.08.2019. Still being not satisfied petitioner filed the present revision petition.

4. During the course of hearing, it has been brought to the notice of the Court that matter has been compromised between the parties vide settlement deed (Annexure R-1) and the entire settled amount of Rs.2.5 lac is paid by petitioner to respondent. Today, the counsel appearing on behalf of complainant/respondent admitted the factum of compromise and further stated that entire settled amount is already received by respondent except for demand draft of Rs.25000/- which is lying deposited with the registry. The counsel for the respondent is having no objection if offence punishable under Section 138 NI Act is compounded and the petitioner is acquitted. Even the counsel for the petitioner has admitted factum of compromise and has made prayer that the present petition be allowed.

5. Offence punishable under Section 138 NI Act is compoundable. It appears that in the present case, parties have settled their dispute with regard to dishonor of cheque in question. In the given circumstances, permission is hereby given to the parties to compound an offence punishable under Section 138 NI Act in the present case. Consequently, the petitioner deserves to be acquitted of an offence punishable under Section 138 NI Act.

6. Respondent has filed CRM-54511-2023 with a prayer to release an amount of Rs.25000/- in his favour, which was deposited by the



petitioner in terms of aforesaid settlement deed.

7. The counsel for the petitioner is having no objection in case, the draft of Rs.25000/- deposited by the petitioner is released in favour of the respondent by the registry of this Court.

8. The Registrar (Judicial) of this Court is directed to hand over the draft of Rs.25000/- to the respondent in the present case against proper receipt and proper identification. Since, the period of validity of the draft has already expired, the petitioner will take the old demand draft from the respondent and shall hand over the new valid demand draft of Rs.25000/- to the respondent within a period of next three weeks.

9. For the foregoing reasons, the present revision petition is allowed and the impugned judgments passed by the Courts below are set aside and the petitioner is acquitted of an offence punishable under Section 138 NI Act.

10. CRM-54511-2023 and CRR-2150-2019 are disposed of in aforesaid terms.

04.10.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No