

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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1. CRR No.2023 of 2022 (O & M)
Date of decision : 29.5.2024

Yogesh Tyagi

Versus

Sudhir

.....Petitioner

.....Respondent

CRR No.2026 of 2022 (O & M)

2024:PHHC:078170



.....Petitioner

Yogesh Tyagi

Versus

Sudhir

.....Petitioner

.....Respondent

CRR No.2011 of 2022 (O & M)

2024:PHHC:078174



.....Petitioner

Yogesh Tyagi

Versus

Sudhir

.....Petitioner

.....Respondent

CRR No.1980 of 2022 (O & M)

2024 P-IHC:078176



.....Petitioner

Yogesh Tyagi

Versus

Sudhir

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ishnoor Singh, Advocate with
Mr. Vikram Singh, Advocate, for the petitioner

Mr. Vinod Kumar, Advocate and
Mr. Rajesh Lamba, Advocate, for the respondent

**SANDEEP MOUDGIL, J (ORAL)****CRM No.17073 of 2024 in CRR No.2023 of 2022****CRM No.17053 of 2024 in CRR No.2026 of 2022****CRM No.17048 of 2024 in CRR No.2011 of 2022****CRM No.17215 of 2024 in CRR No.1980 of 2022**

These applications have been filed under Section 320 read with Section 482 Cr.P.C. for compounding of the offence as the petitioner has returned the entire amount in question and now the respondent has no grievance/claim against the petitioner.

For the reasons stated in the applications and the submissions made before the Court, the same are allowed.

Permission is granted to compound the offence. Accordingly, main cases are taken on Board today itself for disposal.

Main Cases (O & M)

The present revision petitions have been filed against the common judgment dated 1.9.2022, passed by Additional Sessions Judge, Sonapat, whereby the appeals filed by the petitioner have been dismissed vide judgement dated 18/22.10.2018, passed by the Judicial Magistrate Ist Class, Sonapat, in Criminal Complaints No.510, 511, 594 and 595 of 2015, titled *Sudhir v. Yogesh Tyagi*, under Section 138 of the Negotiable Instruments Act, 1881, whereby the petitioner was convicted under Section 138 of the N.I. Act and sentenced to undergo RI for 1-1/2 years and ordered to pay fine of ₹1 lakh to the respondent under section 357 (3) Cr.P.C. in all complaints.

2. During the pendency of the present revision petitions, the petitioner has filed application under Section 320 read with Section 482 Cr.P.C. for compounding of the offence on the ground that the whole amount has been paid back by the petitioner to the respondent/complainant, i.e., ₹10 lakhs in each of the four cases, making total of ₹40 lakhs.

3. This very fact has been admitted by learned counsel appearing on behalf of the respondent.

4. In view of the above, finding the prayer of the petitioner to be

genuine and in view of the fact that the matter has been amicably settled between the parties, this Court finds that it would not be unjustified if the offence, for which the petitioner has been convicted, is permitted to be compounded.

5. Accordingly, the instant revision petitions are allowed. Necessary permission for compounding of offence under Section 138 of the Negotiable Instruments Act, for which the petitioner was convicted and sentenced by the trial Court, is granted. As a result of compounding, the judgment of conviction and order of sentence dated 18/22.10.2018, under Section 138 of the Negotiable Instruments Act, 1881, passed by Judicial Magistrate 1st Class, Sonapat, in Criminal Complaints No. 510, 511, 594, 595 of 2015, and the judgment dated 1.9.2022, passed by Additional Sessions Judge, Sonapat, are set aside and the petitioner stands acquitted of the charge levelled against him, in all the complaints.
6. Pending miscellaneous application(s), if any, stand disposed of accordingly.
7. Photocopy of this order be placed on the connected case files.

(SANDEEP MOUDGIL)

JUDGE

29.5.2024

Ashwani

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