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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42309-2024 (O&M)
DATE OF DECISION: 18.10.2024

M/S NARSI TIMBERS INDIA PVT. LTD AND ANR.
...PETITIONERS

Versus

M/S. MAHESH MERCHANDISE (PVT.) LTD.
... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Partap Singh, Advocate and
Mr. Gaourav Jangra, Advocate for the petitioner(s).
Mr. Vikas, Advocate for respondent.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 528 Bhartiya Nagrik Suraksha Sanhita, 2023 read with Section 147 Negotiable Instrument Act 1881 for quashing/setting aside of private criminal complaint No.1622 of 2013 (NACT No.0000825/2014) dated 26.08.2013, titled as 'Mahesh Merchandise (Pvt.) Ltd. and another vs. M/s Narsi Timbers India (Pvt.) Ltd. and anr.' under Section 138 Negotiable Instruments Act 1881 (Annexure P-1) and conviction judgment dated 11.04.2016 (Annexure P-2) and order of sentence dated 112.04.2016 passed by learned Judicial Magistrate 1" Class, Karnal vide which petitioner convicted for offence under Section 138 of Negotiable Instruments Act and sentenced for rigorous imprisonment for one year and judgment dated 16.09.2019 (Annexure P-3) dismissing of appeal by Addl. Sessions Judge, Karnal and order dated 20.03.2024 (Annexure P-4)



dismissing of revision by the High Court by compounding of all criminal proceedings between the parties and quashing of all consequential proceedings therein, acquitting the petitioners on the basis of compromise dated 07.08.2024 (Annexure P-5).

During the pendency of the dispute, the parties have compromised the matter and filed the present petition for quashing of the impugned order.

Vide order dated 31.08.2024, parties were directed to appear before the Illaqa Magistrate/Trial Court and report with regard to the genuineness of the compromise was called for.

The report dated 10.10.2024 has been received from Judicial Magistrate First Class, Karnal, stating that the parties have entered into a compromise, which is genuine, voluntary and without any coercion or undue influence.

Learned counsel, for the petitioner submits that since the matter has been amicably settled between the parties, therefore, the parties may be permitted to compound the offence; and by setting aside the judgments/orders passed by the Courts below, the petitioner be ordered to be acquitted of the charges.

Learned counsel appearing on behalf of the respondent does not dispute the compromise arrived at between the parties. He has expressed his no objection for compounding of the offence as prayed by the counsel for the petitioner.

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.

Accordingly, the present petition is 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 dated 11.04.2016 and order of sentence dated 12.04.2016, passed by JMIC, Karnal vide which the petitioner was convicted under Section 138 of NI Act, 1881, and sentenced to undergo RI for one year and along with all consequential proceeding arising therefrom, are quashed qua the petitioners.

The present petition is hereby allowed.

(SANDEEP MOUDGIL)
JUDGE

18.10.2024
anuradha

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