



CRR-1644-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117)

CRR-1644-2024 (O&M)
Date of Decision : 18.09.2024

Ravinder Kaur ...Petitioner

Versus

Sanjiv Kumar and another ...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Varun Sharma, Advocate
for the petitioner.

Mr. Mukesh Yadav, Advocate
for the respondent No.1

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

CRM-37863-2024

Application for impleading the State of Punjab, as respondent
No.2, in the instant revision petition, is allowed, as prayed.

Amended memo of parties is taken on record.

Registry is directed to tag the same at an appropriate place.

CRR-1644-2024

1. Through the instant revision petition, the petitioner has assailed the verdict of conviction, and consequent thereto, order of sentence dated 22.05.2017, whereby, the learned Judicial Magistrate Ist Class, Phillaur, has convicted the petitioner for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter, referred to as the 'N.I. Act'), and, sentenced her to undergo imprisonment for two years along



with fine of Rs.4,000/-, and in default of payment of fine, the convict shall undergo further imprisonment for two months.

2. In addition, the petitioner has also assailed the verdict dated 02.08.2024, whereby, the learned Additional Sessions Judge, Jalandhar, has dismissed the statutory appeal filed by the petitioner, and upheld the verdict of conviction and order of sentence (supra).

3. On the date of the pronouncement of the appeal, the present petitioner was absent. The instant petition has been filed, without surrendering before the learned trial Court concerned, to honour the sentence as is imposed upon her.

4. Today, learned counsel for the petitioner has placed on record certified copy of order dated 16.09.2024, passed by the learned Judicial Magistrate, Ist Class, Phillaur (D). The same is taken on record. The said order (supra), reveals that the petitioner has now, surrendered before the learned trial Court concerned, and in pursuance of the same, she was sent into the judicial custody.

5. In pursuance to challenge to the impugned order, learned counsel for the petitioner submits, that now the matter has been amicably settled between the parties concerned, vide settlement dated 22.08.2024 (Annexure P-1), and the entire amount has been paid to the complainant.

6. Mr. Mukesh Yadav, Advocate, has caused appearance on behalf of the respondent No.1/complainant, before this Court today, duly executed *vakalatnama*, in his favour, and admit the factum of compromise, *inter se* the parties, and he has no objection, in case the matter is compromised in view of Section 147 of N.I. Act, and the charges, which are framed against the



present petitioner, is compounded, and the petitioner is acquitted of the charges framed against her.

7. This Court has heard the learned counsel for the parties concerned, and has gone through the record with their able assistance.

8. The Hon’ble Supreme Court in *Shakuntla Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63*, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

9. Be that as it may, keeping in view the fact that, the matter has been amicably settled between the parties, the offence in question is compoundable, and that, compounding can be allowed at any stage, this Court is constrained to allow the instant petition.

10. Consequently, the instant revision petition is **allowed**, and, the petitioner is **acquitted** of the charges/notice of accusation framed against her. The impugned verdict of conviction and order of sentence dated 22.05.2017, as passed by the learned Judicial Magistrate Ist Class, Phillaur (D), is set aside. Moreover, the impugned verdict dated 02.08.2014, whereby, the learned Additional Sessions Judge, Jalandhar, had upheld the conviction of the petitioner, is also set aside.

11. All pending application(s), if any, stand disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

September 18, 2024
Manpreet