



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

CRR No.1771 of 2021 (O&M)

Date of decision: 21st May, 2024

M/s Prince Enterprises & another

... Petitioners

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lalit K. Yadav, Advocate for the petitioners.

Mr. Rajesh Gaur, Addl. Advocate General, Haryana
for the respondent/State.

Mr. Amit Malik, Advocate for
Mr. S.S. Mor, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking quashing of Complaint No.547-II dated 01.04.2017 under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as, 'the Act') filed in the Court of learned Judicial Magistrate 1st Class, Hisar along with all consequential proceedings arising therefrom including judgment of conviction and order of sentence dated 17.11.2018 passed by learned trial Court which was upheld by the learned appellate Court vide judgment dated 17.11.2021, on the basis of compromise dated 07.11.2022 (Annexure P-3).

2. Learned counsel for the petitioners submits that during the pendency of the instant revision petition, the parties have amicably resolved their disputes and hence in the circumstances, a prayer for



compounding of the offence under Section 138 of the Act has been made. In support, learned counsel has placed reliance upon judgment of the Hon'ble Supreme Court in '**A.T. Sivaperumal Vs. Mohammed Hyath (D) By Lrs.**' 2017(2) R.C.R. (Criminal) 453 and in '**A.J. Asana Vs. Sittrarasu**' 2019(5) R.C.R. (Criminal) 568.

3. Learned counsel for the respondent No.2 does not dispute the submissions made by the counsel opposite that subsequent to the conviction of the petitioner for offence under Section 138 of the Act, vide which he was sentenced to undergo simple imprisonment for six months and to pay a compensation to the tune of ₹ 3,34,178/- lacs to the complainant, the parties have amicably resolved their disputes. He also does not oppose the prayer made by learned counsel for the petitioners for compounding of the offence under Section 138 of the Act and disposing of the instant revision petition accordingly.

4. In view of the settlement arrived at between the parties and the concurrence shown by learned counsel for both the parties as also the ratio of law laid down by the Apex Court in **A.T. Sivaperumal's case** (supra) **and in A.J. Asana's case** (supra), the instant revision petition is allowed. The offence under Section 138 of the Act is compounded and the judgment of conviction dated 17.11.2018 passed by learned trial Court as well as the judgment of learned appellate Court dated 17.11.2021 are set aside.



5. Needless to say, the parties shall remain bound by the terms of settlement so arrived at between them.

(MANJARI NEHRU KAUL)
JUDGE

May 21, 2024
rps

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