



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

CRR-2547-2019

Date of decision: 17.09.2024

M/s Raja Di Hatti and Another

...Petitioners

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Shakti Mehta, Advocate for the petitioners.

Mr. Inderjeet Singh, DAG, Punjab.

Mr. D.K. Singal, Advocate for respondent No.2.

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioners/accused seeking setting aside of judgment dated 29.08.2019 passed by the Court of Additional Sessions Judge, SBS Nagar whereby the appeal filed by petitioner against judgment and order dated 19.04.2017 passed by the Court of Additional Chief Judicial Magistrate, SBS Nagar, whereby petitioner No.2 being proprietor of petitioner No.1 was convicted and sentenced to RI for two years and to pay a fine of Rs.10,000/- and in default of payment of fine to further undergo RI for a period of one month under Section 138 NI Act, was dismissed.

2. The brief facts of the case are that petitioners availed over draft facility from respondent No.2-bank and in order to discharge their legal liability, petitioners issued cheque of Rs.24,96,011/- dated 21.07.2009 in favour of respondent No.2 but the same was dishonored on its presentation.



On completion of the legal formalities, respondent No.2 filed criminal complaint under Section 138 NI Act against the petitioners. On completion of trial, the petitioner No.2 being proprietor of petitioner No.1 was convicted and sentenced to imprisonment and to pay a fine as is detailed above. The appeal filed by the petitioners against the judgment of the trial Court dated 19.04.2017, was dismissed by the Court of Additional Sessions Judge, SBS Nagar vide judgment dated 29.08.2019.

3. Still being not satisfied petitioners 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. Today, counsel for the petitioners made statement that he has made the payment of balance amount of Rs.46,000/- to the counsel for respondent No.2 in the Court and in this manner, the payment of entire cheque amount has been made by the petitioners to respondent No.2. He further stated that matter has been amicably settled. He further stated that petitioners have filed separate application seeking permission of the Court for compounding of offence under Section 138 NI Act.

5. The counsel appearing on behalf of respondent No.2, on instructions from Ms. Ayesha Negi, Manager Legal, ICICI Bank, has not disputed the factum of compromise. He further stated that as per settlement, the cheque amount has been received by respondent No.2. He further stated that respondent No.2 is having no objection if offence punishable under Section 138 NI Act is compounded, as the matter has been compromised between the parties.



6. Undoubtedly, offence punishable under Section 138 NI Act is a compoundable offence. 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 petitioners deserve to be acquitted of an offence punishable under Section 138 NI Act.

7. For the foregoing reasons, the present petition is allowed and the impugned judgments passed by the trial Court and the Court of Additional Sessions Judge, SBS Nagar are set aside and the petitioners are acquitted of an offence punishable under Section 138 NI Act. The surety of the petitioners stand discharged.

17.09.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No