

CRR-2084-2023 (O&M)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2084-2023 (O&M)
Reserved on: 03.12.2024
Pronounced on: 19.12.2024

Baljeet Singh
...Petitioner(s)

Versus

State of Haryana and another
...Respondent(s)

CORAM: HON’BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mayank Goyal, Advocate (Through VC)
for the petitioner(s).

Mr. Rajat Gautam, Addl. AG, Haryana.

Mr. Kamal Gupta, Advocate and
Mr. Sanish Girdhar, Advocate
for respondent No.2.

ANOOP CHITKARA, J. (Oral)

Criminal Complaint	CNR No.HRSIB10002182015 CIS No.NACT-72-2015 Criminal Complaint No.47 Date of decision: 26.09.2017
Criminal Appeal	CIS No.CRA/333 of 2017 Decided on: 19.07.2023

- The petitioner, who stands convicted for an offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo simple imprisonment for a period of one year and to pay compensation of Rs.3,00,000/- to the complainant by the trial court, after the dismissal of his appeal by the Sessions Court, has come up before this Court under Section 401 CrPC for setting aside the judgment of conviction and order of sentence.
2. During the pendency of present petition, parties have arrived at an out-of-court settlement and prayed for setting aside of judgment of conviction and order of sentence based on said compromise.
3. Vide order dated 25.09.2024, this Court directed the parties/victim(s) to get their

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statements recorded before the trial Court/Illaqa Magistrate/Duty Magistrate and the concerned Court was asked to send its report in the prescribed format.

4. As per report of SDJM Ellanabad, it has been explicitly mentioned that pursuant to order of this Court, the parties to the petition(s) had appeared before it and got their statement(s) recorded regarding the compromise effected between them. It has also been reported that such statements are genuine, voluntary and same have been recorded without any coercion or undue influence. It would relevant to extract the relevant portion of the report of the concerned Court:-

Name of the reporting Court	Sub Divisional Judicial Magistrate, Ellanabad
Criminal Case no. before trial Court	CNR No.HRSIB1000218-2015 CIS No.NACT-72-2015 Criminal Complaint No.47 Date of decision: 26.09.2017

1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	Niranjan Singh son of Malkiat Singh, resident of Village Kumthal, Tehsil Ellanabad, District Sirsa
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	31.10.2023
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes, there is one complainant namely Niranjan Singh
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No
6.	Names of the accused person(s)	Baljeet Singh son of Sher Singh, resident of Mammara Road, Namaste Chowk, Ward No.13, Ellanabad, Tehsil Ellanabad, District Sirsa
7.	Dates on which the statement(s) of the accused persons(s) recorded	31.10.2023
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes, there is one accused namely Baljeet Singh
9.	Whether the court is satisfied with the genuineness of the compromise?	Yes

5. The jurisprudence behind the Negotiable Instruments Act, 1881 is that the business transactions are to be honoured. The legislative intention is not to make people suffer incarceration only because their cheques bounced. These proceedings are to recover the cheque amount by showing teeth of a penal clause. Now, as per the above-mentioned

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report, the parties have settled their disputes and have compromised the matter.

6. Counsel for the petitioner has filed an affidavit, as per which, the petitioner is not in a position to pay 15 % of cheque amount in view of the judgment in ***Damodar S. Prabhu vs. Sayed Babalal AIR 2010 SC 1907***. The relevant extract of law laid down in ***Damodar S. Prabhu*** (*supra*), reads as under:

[17]. “...Even though the imposition of costs by the competent court is a matter of discretion, the scale of costs has been suggested in the interest of uniformity. The competent Court can of course reduce the costs with regard to the specific facts and circumstances of a case, while recording reasons in writing for such variance.”

7. Given above and considering the fact that respondent No.2 has no objection if the petitioner is exempted from paying 15% of cheque amount, petitioner is exempted from paying 15% of cheque amount.

8. This Court has inherent powers under Section 482 of the Code of Criminal Procedure to interfere in this kind of matter and has revisional jurisdiction under Section 401 CrPC. Given above and in the entirety of the facts and circumstances of the case and judicial precedent, I am of the considered opinion that the continuation of these proceedings will not serve any fruitful purpose whatsoever.

9. Given above, because of the compromise, this is a fit case where the revisional jurisdiction of the High Court under Section 401 of the CrPC supported by Section 147 of the NIA is invoked to disrupt the prosecution. As such, judgment of conviction dated 26.09.2017 and order of sentence and judgment of Appellate Court, are set aside. The petitioner is acquitted of the charges. The bail bonds are accordingly discharged.

The Revision Petition is allowed in the terms mentioned above. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

19.12.2024
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Whether speaking/reasoned : Yes
Whether reportable : No