



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

CRR-1795-2024 (O&M)
Date of decision: 07.11.2024

M/s Sangar Trading Company and another ...Petitioners

Versus

Nirmal Singh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. Aazam Khan, Advocate for respondent No.1.

KARAMJIT SINGH, J. (ORAL)

CRM-37467 of 2024

For the reasons mentioned in the application, coupled with the no objection pleaded by counsel for respondent No.1, the same is allowed and delay of 537 days in filing the present revision petition is condoned, subject to cost of Rs.10000/- to be deposited by the petitioner in Poor Patients Fund, PGIMER, Chandigarh, within 4 weeks.

CRR-1795 of 2024

1. The present revision petition has been filed by the petitioners/accused seeking setting aside of judgment dated 09.01.2023 passed by the Court of Additional Sessions Judge, Gurdaspur whereby the appeal filed by petitioner against judgment and order dated 26.02.2016 passed by the Court of Judicial Magistrate Ist Class, Batala, whereby petitioner was convicted and sentenced to RI for a period of one year and to pay a fine of Rs.2,000/- and in default of payment of fine to further undergo SI for a period of two



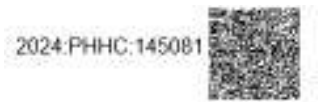
months under Section 138 NI Act, was dismissed.

2. The brief facts of the case are that petitioners issued cheque No.084518 amounting to Rs.1,06,000/- dated 15.04.2010 in name of respondent No.1, in discharge of his legal liability. On presentation, the said cheque was dishonored and then on completion of all the formalities, respondent No.1 filed complaint under Section 138 NI Act and on conclusion of trial, petitioners were convicted and sentenced to imprisonment and to pay a fine as has been detailed in the opening paragraph of present judgment.

3. Being aggrieved, petitioner filed appeal which was also dismissed by the Court of Additional Sessions Judge, Gurdaspur vide judgment dated 09.01.2023. 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 between the parties vide compromise deed (Annexure P-1) and the entire settled amount is paid by petitioners to respondent No.1. Today, the counsel appearing on behalf of respondent No.1 admitted the factum of compromise and further stated that entire settled amount is already received by respondent No.1 and that he is having no objection if offence punishable under Section 138 NI Act is compounded and the petitioners are acquitted. Even the counsel for the petitioners has admitted factum of compromise and has made prayer that the present petition be allowed.

5. Offence punishable under Section 138 NI Act is compoundable. 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.

6. For the foregoing reasons, the present petition is allowed and the impugned judgments passed by the Courts below are set aside and the petitioners are acquitted of an offence punishable under Section 138 NI Act.

7. The other miscellaneous applications, which are pending also stand disposed of in aforesaid terms.

07.11.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No