



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

CRR-2418-2023 (O&M)

Date of Decision : 08.05.2024

PAL SINGH

.....Petitioner

VERSUS

NACHHATTAR SINGH AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Kuldeep Singh Saini, Advocate for
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab
for respondent no.2.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

CRM-44675-2023

1. Through this application filed under Section 5 of the Limitation Act read with Section 482 Cr.P.C., prayer is made for condoning the delay of 136 days in filing the instant petition.

2. For the good and valid reasons as explained in the application, the same is allowed and the delay of 136 days in filing the petition is hereby condoned.

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3. Through the instant petition, petitioner throws challenge to the judgements passed by the courts below.

4. Learned counsel for the petitioner submits that the petitioner has been convicted by the learned trial Court vide judgement dated 30.03.2019, and appeal preferred before the learned Additional Sessions Judge, Ropar, thereagainst, was dismissed vide judgement dated 04.03.2023.

4. The sentence, as imposed upon the petitioner by the learned trial Court concerned vide order of sentence dated 30.03.2019, is extracted hereinafter:-

Offence	Imprisonment	Imprisonment in default of payment of fine
Section 138 of the Negotiable Instruments Act, 1881.	Simple imprisonment for 1 ½ years, and compensation equivalent to the cheque amount.	----

5. The petitioner failed to surrender before the learned First Appellate Court, on the date, when the statutory appeal was dismissed vide judgment (supra), therefore, the learned trial court concerned was directed to take steps to secure his presence.

6. Having aggrieved of above verdicts, the petitioner has filed the present petition.

7. In compliance to the directions issued by this Court on dated 13.03.2024, the petitioner surrendered before the learned trial Court concerned, and he has been taken into custody. A photocopy of the order dated 04.05.2024, is taken on record as Annexure -A.

8. During the pendency of the instant petition, the matter was amicably settled between the petitioner and complainant/respondent no.1, and the entire disputed amount has been duly paid to the complainant/respondent no.1.

9. At this stage, Mr. Parminder Singh, Advocate, has caused appearance on behalf of complainant/respondent No.1, through a validly executed power of attorney in his favour, which is taken on record. He admits the factum of the compromise, and submits that the entire cheque amount has been paid by the petitioner to the respondent no.1/complainant. Further, he has placed on record a vernacular copy of the compromise/agreement dated 03.05.2024, which is taken on record as Annexure-B.

10. On perusal of the said compromise/agreement, as well aforesaid statement suffered on behalf of respondent no.1/complainant, it clearly transpires that respondent no.1/complainant has compromised the matter with the petitioner, and since the petitioner has been convicted for the commission of offence punishable under Section 138 Negotiable Instruments Act, 1881, which is a compoundable offence, and can be compounded at any stage.

11. Hence, as the offence has been compounded, with the respondent no.1/complainant, and his grievance has been fully redressed, the judgment and order (supra), deserves to be set aside.

12. It apt here to cite here a judgment in **CRM-M-25669-2020 (O&M)**, titled **“Abhishek Singh & others V/s State of Punjab & others”**, **Pronounced on: 07.04.2022**, wherein a co-ordinate Bench of this Court, has observed, as under:-

“9. The following aspects would be relevant to conclude this petition:-

a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise

deed and the statements recorded before the concerned Court;

b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;

c) The victim has willingly consented to the nullification of criminal proceedings;

d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;

e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;

f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;

g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;

h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;

i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”

13. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner/accused have been charged, are not of grave in nature, as also in view of the law laid down in ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Kulwinder Singh, others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition, deserves to be allowed.

14. Considering the fact that the parties have decided to bury their *inter-se* dispute in the light of compromise/settlement dated 03.05.2024, and the grievance of the respondent no.1/complainant has been redressed, and further they have decided to live in peace, present revision petition is **allowed** and impugned judgment dated conviction dated 30.03.2019, and order of sentence of even date, passed by the learned Judicial Magistrate Ist Class, Ropar, as also the impugned judgment dated 04.03.2023, passed by the learned Additional Sessions Judge, Ropar, are hereby **set aside**.

15. The petitioner be released forthwith, if not required, in any other case.

16. All pending application(s), if any, also stands disposed of.

May 08, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No