

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

117

CRR-2822-2019

Date of decision: 20.03.2024

Sonu

...Petitioner

vs.

Sharwan Kumar and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gourav Jain, Advocate
for the petitioner.

Mr. Jagjit Singh, Advocate
for respondent No. 1

Mr. Bhupender Singh, D.A.G, Haryana.

KULDEEP TIWARI. J.

1. The instant revision petition has been filed challenging the judgment of conviction dated 18.05.2016, passed by learned trial Court whereby, the petitioner has been convicted for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, and was sentenced vide order dated 24.05.2016, to undergo simple imprisonment for a period of one year and to pay a compensation to the tune of cheque amount of Rs.75,500/- to the complainant.

2. In addition, the petitioner has also assailed the verdict of conviction dated 05.10.2019, whereby, the learned Additional Sessions Judge concerned has dismissed the statutory appeal filed by the petitioner, against the verdict of conviction and order of sentence (**supra**).

3. During the pendency of the instant revision petition, both the parties were *ad idem* that the matter can be settled in case the same is sent to

the Mediation and Conciliation Centre of this Court. This Court, vide order

dated 07.02.2024, directed the parties to cause their appearance before the Mediation and Conciliation Centre of this Court. In the Mediation proceeding, the matter was finally settled *inter-se* the parties with the following terms and conditions:-

“a) It is agreed/settled between the parties that certain sum of Rs.75,500/- (seventy five thousand and five hundred) has already been paid by the first party to the second party.

(b) That now both the parties have agreed that their all disputes amongst each other have now been settled and they will be bound to make their respective statements for withdrawing all their litigations filed by them against each other from the respective Courts.

c) That both the parties have also agreed that they will not file any Civil or Criminal litigation against each other in future with regard to the present dispute. All the disputes between the parties are settled as now after handing over the abovesaid demand draft to the second party, no further amount is due of the second party to the first party.

d) Both the parties have mutually agreed to withdraw the cases, if any, filed against each other and any other complaint/case filed by either of the parties before any court of law or any authority shall be deemed to be withdrawn in view of this Settlement/Agreement by the respective party.”

4. Today, learned counsel for the petitioner submits that all the terms and conditions of the compromise has now been complied with, therefore, the instant offence may be compounded.

5. Learned counsel for respondent No. 1, has admitted the factum of compromise, and also admit, that the entire payment has been made and nothing is due towards the petitioner. He has no objection if the offence as involved in the instant petition are compounded.

Negotiable Instruments Act, which is a compounable offence, therefore, the offence can be compounded at any stage of the trial.

7. This Court has heard learned counsel for both the parties concerned and have gone through the entire file record with their able assistance.

8. The Hon'ble Supreme Court in **Shakuntla Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others** (1980) 1 SCC 63, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

8. Be that as it may, keeping in view the fact that, the dispute has been amicably settled *inter se* the parties, inasmuch as, the petitioner has made the entire payment of the cheque amount along with interest to the respondent, and that, the offence in question is compoundable, and that, compounding can be allowed at any stage, this Court is constrained to **allow** the instant petition.

9. Consequently, the instant revision petition is allowed, and, the petitioner is **acquitted** of the charges/notice of accusation framed against him. The impugned verdict of conviction dated 18.05.2016, and order of sentence dated 24.05.2016, as passed by the learned Judicial Magistrate 1st Class, Hisar, is set aside. Moreover, the impugned verdict dated 05.10.2019, whereby, the learned Additional Sessions Judge, Hisar, had upheld the conviction of the petitioner, is also set aside.

10. However, since the petitioner has remained absent for a considerable period of time and kept fleeing from clutches of law, this Court

burdens him with costs of Rs.20,000/- to be forthwith deposited with the District Legal Services Authority, Hisar.

11. All pending application(s) stand disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

20.03.2024
G Arora

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