

237

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

CRR-3129-2019 (O&M)
Date of decision: 10.01.2024

Satinder Singh Sidhu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. T.S. Sullar, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. A.G. Punjab.

Mr. J.S. Chhibber, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The petitioner has filed the revision petition challenging the judgment dated 28.07.2014 passed by the Court of Judicial Magistrate, Ist Class, Nabha whereby the petitioner was convicted and sentenced to rigorous imprisonment for a period of 1 year and to pay a fine of Rs.3,000/- and in default of payment of fine to further undergo simple imprisonment for a period of 15 days under Section 138 of Negotiable Instruments Act in criminal complaint titled Devinder Singh Vs. Satinder Singh Sidhu and judgment dated 04.08.2015 passed by the Court of Additional Sessions Judge, Patiala whereby the appeal filed by the petitioner against the aforesaid judgment and order of the learned trial Court, was dismissed.

2. Being aggrieved, the petitioner has filed the revision petition.

3. During the pendency of the present revision petition, the matter was referred to Mediation and Conciliation Center of this Court, as there were chances of amicable settlement between the parties.

4. Today, the counsel for the parties are *ad idem* that the matter stands compromised between the parties in mediation proceedings and that the concerned settlement deed is dated 21.12.2023, as per which the petitioner is to make payment of Rs.45,000/- to respondent No.2 as a full and final settlement of the dispute between the parties. The aforesaid settlement deed is bearing signatures of both the parties and is ordered to be taken on record.

5. The petitioner who has appeared in the Court along with his counsel, handed over demand draft of Rs.45,000/- dated 10.01.2024 to the counsel for the complainant in compliance with the terms and conditions of the aforesaid settlement deed. The said demand draft has been accepted by the counsel for the complainant who further made statement that now nothing remains due against the petitioner and that the offence under Section 138 NI Act be compounded in the light of the aforesaid settlement.

6. Thus, it is clear that the parties have settled their dispute by way of compromise and accordingly permission is hereby granted to the parties to compound the offence punishable under Section 138 of Negotiable Instruments Act. Having regard to the facts and circumstances of the case, the condition of depositing some percentage of the amount of disputed cheque as per the law laid down in ***Damodar S. Prabhu Vs. Sayed Baba Lal H. (2010) 5 SCC 663***, is hereby waived in the interest of justice.

7. Consequently, the present revision petition is allowed and the impugned judgment and order passed by the learned trial Court and affirmed by the appellate Court are set aside. The complaint filed by the respondent under Section 138 of Negotiable Instruments Act is dismissed and the petitioner stands acquitted.
8. Pending applications, if any, stand disposed of.

10.01.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No