



CRR-2162 of 2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR-2162 of 2024 (O&M)
Date of Decision: 20.12.2024

Mahesh Kumar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tanmoy Gupta, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

Respondent No.2 in person.

SANDEEP MOUDGIL, J (ORAL)

This revision petition has been filed for setting aside the impugned judgment of conviction dated 09.04.2019 and order of sentence dated 10.04.2019 passed by the learned Sub Divisional Judicial Magistrate, Pataudi in complaint case bearing CIS No.N.I. Act/134/2017 titled 'Kesari Nand Vs. Mahesh Kumar' vide which the learned JMJC, Pataudi, District Gurugram erred in conviction and awarded sentence of rigorous imprisonment of one year and also directed him to pay compensation of Rs.4,50,000/- (including cheque amount of Rs.3 lakhs) to the complainant and also to set aside the impugned judgment dated 22.10.2024 passed by the learned Additional Sessions Judge, Gurugram, whereby, the appeal of the petitioner was dismissed.

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During the pendency of the dispute, the parties have compromised the matter and filed the present petition for quashing of the impugned order.

Vide order dated 19.11.2024, parties were directed to appear before the Illaqa Magistrate/Trial Court and report with regard to the genuineness of the compromise was called for.

The report dated 21.11.2024 has been received from Judicial Magistrate Ist Class, Pataudi, stating that the parties have entered into a compromise, which is genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioner submits that since the matter has been amicably settled between the parties, therefore, the parties may be permitted to compound the offence; and by setting aside the judgments/orders passed by the Courts below, the petitioner be ordered to be acquitted of the charges.

Respondent No.2/complainant appears in person and does not dispute the compromise arrived at between the parties. He has expressed his no objection for compounding of the offence as prayed by the counsel for the petitioner.

In view of the above, finding the prayer of the petitioner to be genuine and in view of the fact that the matter has been amicably settled between the parties, this Court finds that it would not be unjustified if the offence, for which the petitioner has been convicted, is permitted to be compounded.

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Accordingly, the present petition is allowed. Necessary permission for compounding of offence under Section 138 of the Negotiable Instruments Act, for which the petitioner was convicted and sentenced by the trial Court, is granted. As a result of compounding, the judgment of conviction dated 09.04.2019 and order of sentence dated 10.04.2019, passed by Sub Divisional Judicial Magistrate, Pataudi vide which the petitioner was convicted under Section 138 of NI Act, 1881, and sentenced to undergo RI for one year and also directed to pay compensation of Rs.4,50,000/- (including cheque amount of Rs.3 lakhs) to the complainant as well as the judgment dated 22.10.2024 passed by the learned Additional Sessions Judge, Gurugram and along with all consequential proceedings arising therefrom, are quashed qua the petitioners.

The present petition is hereby allowed.

The pending application, if any, shall also stands disposed of.

20.12.2024*D.Bansal***(SANDEEP MOUDGIL)
JUDGE**

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