

CRR-2880-2023

[1]

2024.PHHC.118580



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

CRR-2880-2023

Date of decision: 10.09.2024

Bagicha Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gurmeet Singh Saini, Advocate for
Mr. Amandeep Saini, Advocate
for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

Ms. Madhu Dayal, Advocate
for respondent No.2

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioner/accused seeking setting aside of judgment dated 25.04.2023 passed by the Court of Additional Sessions Judge-Fast Track Court, Ferozepur whereby the appeal filed by petitioner against judgment and order dated 13.12.2019 passed by the Court of Sub Divisional Judicial Magistrate, Zira, whereby petitioner was convicted and sentenced to RI for two years and to pay a compensation worth Rs.3,10,000/- under Section 138 NI Act, was dismissed.
2. The brief facts of the case are that petitioner took loan from respondent No.2-bank and in order to discharge his legal liability, petitioner issued cheque of Rs.3,10,000/- in favour of respondent No.2 but the same

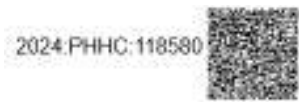


was dishonored on its presentation. On completion of the legal formalities, respondent No.2 filed criminal complaint under Section 138 NI Act against the petitioner. On completion of trial, the petitioner was convicted and sentenced to imprisonment and to pay compensation as is detailed above. The appeal filed by the petitioner against the judgment of the trial Court, was also dismissed by the Court of Additional Sessions Judge, Ferozpur vide judgment dated 25.04.2023.

3. Still being not satisfied petitioner 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 and loan account has been closed by respondent No.2. Further respondent No.2 had issued 'No Dues Certificate' dated 29.01.2024 in favour of the petitioner. The copy of the said 'No Dues Certificate' is taken on record. The factum of the aforesaid compromise is admitted by the counsel for respondent No.2, on instructions from Manager, State Bank of India, Branch Makhu, District Ferozpur. The counsel for respondent No.2 further stated that respondent No.2 is having no objection if offence punishable under Section 138 NI Act is compounded and the petitioner is acquitted. Even the counsel for the petitioner 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 petitioner deserves 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 trial Court and the Court of Additional Sessions Judge are set aside and the petitioner is acquitted of an offence punishable under Section 138 NI Act. The surety of the petitioner stands discharged.

10.09.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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