2025:PHHC:033757

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

291

CRR-200-2025 (O&M)
Date of decision: 10.03.2025

Sakattar Singh **...Petitioner**

Versus

Punjab National Bank and another **...Respondents**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sachin Ohri, Advocate
for the applicant-petitioner.

Mr. Ankit Kaushal, Advocate
for respondent No. 1/Bank.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. *(Oral)*

1. **CRM-3974-2025**

Prayer in this application is for compounding the offence in view of the fact that the parties have amicably settled their dispute.

Since the prayer made in this application has direct bearing on the main revision petition, the application is disposed of and let the main case, which is also listed today, be taken up.

2. **CRR-200-2025 (O&M)**

The present revision petition has been filed against the judgment of conviction and order on quantum of sentence, both dated 02.05.2018, passed by the Court of learned Chief Judicial Magistrate, Pathankot in complaint bearing No. 445 of 2012, titled as ***Punjab National Bank vs. Sakattar Singh***, filed under Section 138 of the Negotiable Instruments Act, 1881 *(for short 'N. I. Act')*, whereby the petitioner was held guilty for commission of offence punishable under the aforesaid section and was

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2025.03.11 14:58
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sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs. 2,000/- with default clause. The petitioner has also laid challenge to the judgment dated 04.11.2024, passed by the Court of learned Sessions Judge, Pathankot, whereby the appeal of the petitioner had been dismissed.

3. Brief facts of the case relevant for the purpose of disposal of this revision petition are that the petitioner had availed a loan of Rs. 16,90,000/- from respondent No. 1-Bank for purchase of truck. The petitioner did not pay the instalments regularly and as per terms and conditions of the loan agreement, the loan account became irregular and in order to pay the arrears of loan amount along with interest, the petitioner issued a cheque for an amount of Rs. 1,84,000/- in favour of respondent No.1 but on presentation, the same was dishonoured due to 'insufficient funds'. He was served with a legal notice dated 19.10.2012 but he failed to make payment within the time stipulated. Aggrieved from the same, respondent No.1/complainant-Bank filed the aforesaid complaint under Section 138 of N. I. Act, in which, the petitioner was held guilty and sentenced as mentioned above. His appeal too was dismissed by the learned appellate Court. Hence, the present revision petition. During the pendency of this petition, the sentence of the petitioner was suspended, vide order dated 05.02.2025 and since then, he is on bail.

4. The petitioner has filed aforesaid application bearing number CRM-3974-2025 for compounding the offence for which he has been held guilty and convicted.

5. It is argued by learned counsel for the petitioner that an amicable settlement has been arrived at between the petitioner and respondent No. 1-Bank. In pursuance of the said settlement, the entire disputed amount has been

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given by the petitioner to the respondent No. 1-Bank as one time settlement and NOC has been issued by respondent No. 1 in favour of the petitioner. It is submitted that respondent No. 1 also admits the factum of the above stated settlement having been arrived between the parties and about receipt of entire disputed amount and therefore, he deserves to be granted permission to compound the offence.

6. Learned counsel for respondent No. 1/complainant-Bank has affirmed the factum of receiving the entire disputed amount as one time settlement from the petitioner and has submitted that he has no objection if the offence is compounded in favour of the petitioner and the judgment of conviction and order of sentence recorded by learned trial Court and affirmed by learned appellate Court are quashed and set aside.

7. Section 147 of N. I. Act makes all offences under this Act as compoundable offences. It is well settled proposition of law by now that in view of the provisions contained under this Section read with Section 320 of Cr.P.C., a compromise arrived *inter se* parties can be accepted and the offence committed under Section 138 of N. I. Act, can be ordered to be compounded even after conviction. Reference in this regard can be made to the judgment dated 02.03.2022 pronounced by the High Court of Himachal Pradesh in Criminal Misc. (main) petition No. 107 of 2022 under Section 482 of Cr.P.C. titled as ***Hiranand Shastri Vs. Ram Rattan Thakur and another***, wherein it was observed that the judgment of conviction recorded under Section 138 of N. I. Act can be recalled, in view of the specific provisions contained under Section 147 of the Act, which provide for compounding of offence allegedly committed under Section 138 of N.I. Act. Similar proposition of law was laid

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down in the judgment dated 21.12.2021 in ***CRM-M-No. 2499-2021*** in ***Geeta Devi Vs. Surinder Singh and another'***, wherein it was observed by the High Court of Himachal Pradesh that the Court has ample powers under Section 147 of N.I. Act to compound the offence in those cases, where the accused already stands convicted. Reference can also be made to the authority cited as ***Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102***, wherein a Division Bench of this Court has held that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence.

8. In ***Damodar S. Prabhu Vs. Sayed babalal H. 2010(2) RCR (Criminal) 851,***, the Hon'ble Supreme Court had laid down several guidelines with regard to the proceedings conducted in connection with complaints filed under Section 138 of NI Act. It was observed that the interest of the complainant lied primarily in recovering the money rather than seeing the drawer of the cheque in jail with respect to the offence of dishonour of the cheque and it is compensatory aspect of the remedy which should be given priority over the punitive aspect. In ***Raj Reddy Kallen Vs. State of Haryana and another (2024) 5 SCR 203***, it was observed by Hon'ble Supreme Court that keeping in mind that 'compensatory aspect,' of remedy shall have priority over the 'punitive aspect', courts should encourage compounding of offences under the N.I. Act, if the parties are willing to do so.

9. In the instant case, as discussed above, the parties have settled their dispute amicably, in pursuance of which, the entire disputed amount including the amount of cheque in question has been paid by the petitioner to respondent No. 1/complainant-Bank. This fact is affirmed by learned counsel

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2025.03.11 14:58
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for respondent No. 1. He has stated that the complainant has no objection if the offence is compounded. This amicable settlement has arrived at between the parties after passing of judgment dated 04.11.2024 by the learned appellate Court. There is no doubt that the petitioner and respondent No. 1/complainant have reached at a settlement permissible by law. This Court has also satisfied itself regarding the genuineness of the settlement as the parties were directed to appear before the learned trial Court, wherein their statements have been recorded in support of the compromise arrived at between them. A report dated 27.02.2025 has also been received in this regard from the Chief Judicial Magistrate, Pathankot. As such, in the considered opinion of this Court, the conviction of the petitioner would not serve any purpose and is required to be set aside. In the light of the judicial precedents as referred to above and the attendant facts and circumstances of the case, this Court is of the considered opinion that the offence deserves to be compounded in favour of the petitioner. Accordingly, the present petition is allowed and the judgment of conviction and order of quantum of sentence, both dated 02.05.2018 passed by the learned trial Magistrate as well as the judgment dated 04.11.2024 passed by the learned appellate Court are set aside. The offence for which the petitioner was convicted stands compounded and the petitioner is acquitted on account of such compounding. His bail/surety bonds be discharged accordingly.

10. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

10.03.2025 **(MANISHA BATRA)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

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