

**CRR-254-2025(O&M)****1****257**

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

CRR-254-2025 (O&M)

Decided on : 04.03.2025

Surinder Pal**.....PETITIONER**

VERSUS

State of Punjab and another**.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.**

Present: Mr. Saurav Bhatia, Advocate for the petitioner.

Mr. Jasdeep Singh, DAG, Punjab.

Mr. Kuljinder Singh Billing, Advocate
for respondent No.2.

SANJAY VASHISTH, J (ORAL)

1. Present revision petition has been filed against the order dated 18.01.2025 passed by learned Sessions Judge, Shaheed Bhagat Singh Nagar, whereby appeal filed against the judgment and order of sentence dated 08.08.2022 passed by learned Sub Divisional Judicial Magistrate, Balachaur, convicting the petitioner for committing offence under Section 138 of the NI Act, sentenced to undergo rigorous imprisonment for a period of 01 year and to pay compensation amount of Rs.4,00,000/- (out of the total cheque amount of Rs.4,50,000/-, because he had already paid a sum of Rs.50,000/- to the complainant on 19.05.2022), was dismissed.



2. During the pendency of the revision petition before this Court, dispute between the parties was amicably resolved, and thereupon, on 29.01.2025, following order was passed by this Court:-

“1. Counsel for the petitioner submits that petitioner has assailed the judgment of conviction and order of sentence dated 08.08.2022, passed by learned Sub Divisional Magistrate, Balachaur, vide which, petitioner has been convicted and sentenced under Section 138 of the Negotiable instruments Act, 1881 (in short, ‘NI Act’) to undergo Rigorous Imprisonment for a period of 01 year and to pay compensation amount of Rs. 4,00,000/-, out of the total cheque amount of Rs. 4,50,000/-, because he had already paid a sum of Rs.50,000/- to the complainant on 19.05.2022. In default of non-payment of compensation amount, the petitioner was ordered to further undergo simple imprisonment for a period of six months.

In addition, petitioner has also assailed the judgment dated 18.01.2025, passed by the Court of learned Sessions Judge, Shaheed Bhagat Singh Nagar, whereby, appeal of the petitioner against the judgment of conviction and order of sentence, dated 08.08.2022, has been dismissed.

2. While addressing arguments, counsel for the petitioner submits that in fact the money dispute has been resolved between the petitioner and respondent No.2 – Hemant Bhatia and on that account, an application for compounding of the offence, i.e. CRM-3714-2025, has also been filed along with present criminal revision.

3. Notice of motion.

4. On asking of the Court, Mr. Amandeep Singh, DAG, Punjab, who is present in the Court, accepts notice for respondent No.1 - State and prays for some time to seek instructions and to file reply, if any.

5. At this stage, Mr. Kuljinder Singh Billing, Advocate, puts in appearance on behalf of respondent No.2 – complainant and files his Vakalatnama in the Court today, which is taken on record, subject to all just exceptions

Let requisite copies of the complete paper book be handed over to the learned State counsel and learned counsel for respondent No.2, during the course of the day.

6. Counsel for respondent No.2 – complainant affirms the submissions addressed by the counsel for the petitioner. However, he prays for grant of some time to file an affidavit of respondent No. 2 – complainant, in response to the submissions addressed by the petitioner’s counsel and the application for compounding of offence.



7. While addressing submissions in the application for suspension of sentence (CRM-3712-2025), during pendency of present revision petition, counsel for the petitioner submits that in para No. 18 of the impugned judgment, learned lower Appellate Court has noticed that at the time of decision of appeal, petitioner was not present before the Court, while in subsequent para No. 20, while dismissing the appeal, specifically mentioned that **'Appellant-convict Surinder Pal, who is already in custody in some other case, has not been produced by the jail authorities'**, and on that account warrants of sentence were issued to concerned jail. The said fact itself is sufficient to explain the absence of the present petitioner before the lower Appellate Court during pendency of the appeal before it.

On specific query of the Court about the status of other case in which the petitioner was/is involved, learned counsel submits that the petitioner was also an accused in another case, under Section 138 of the NI Act, wherein he was convicted and sentenced, which is subject matter of challenge before this Court in CRR-2141-2024, titled as, "Surinder Pal v. State of Punjab and another", and vide order dated 20.12.2024, he has already been released on bail by this Court (Punjab and Haryana High Court). Copy of the order dated 20.12.2024, produced by counsel for the petitioner in Court today, is taken on record, subject to all just exceptions.

At this juncture, while realizing the fact that the aforementioned order dated 20.12.2024, passed by Co-ordinate Bench of this Court is prior in time than the impugned judgment dated 18.01.2025, passed by the lower Appellate Court, and the petitioner could have appeared before the said Court, learned counsel regrets the lapse on his part that he was supposed to be present on the date of hearing.

In the said backdrop, learned counsel for the petitioner does not press the application for suspension of sentence, at this stage. However, submits that in the main case under Section 138 of the NI Act, since the parties i.e. petitioner and respondent No.2 – complainant, have resolved their monetary dispute, he be granted permission to appear before the lower Appellate Court, and in that eventuality, he be released on bail.

Said contention is also not opposed by counsel for respondent No.2 – complainant.

Accordingly, petitioner is directed to appear before the lower Appellate Court on or before 14.02.2025 and on his surrender, he be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court.



To come up on 04.03.2025.”

3. Mr. Kuljinder Singh Billing, Advocate, puts in appearance on behalf of respondent No.2 -complainant and files his affidavit dated 04.03.2025. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book. Counsel submits that monetary dispute between the petitioner and respondent No.2 is now settled.

Counsel refers to paragraph No. 3 of the affidavit dated 04.03.2025, wherein, it has been categorically stated by the deponent that the disputed amount has been received by him and nothing remains due towards the accused. Counsel also submits that complainant has no objection, if the application for compounding of the offence is allowed and judgment dated 18.01.2025 is set aside.

For reference, paragraph Nos.2,3 and 4 of the affidavit dated 04.03.2025 are reproduced herebelow:

“1. xxxx

2. That the deponent and petitioner has buried their hatchet and are willing to set aside all the differences and animosities and has chosen to live with peace and harmony.

3. That the deponent has received the disputed amount from the petitioner subject to his satisfaction and nothing remains due towards the accused. Therefore, the monetary dispute between the deponent and the petitioner stands resolved and the deponent had earlier given an affidavit dated 19.01.2025 to that effect which was duly annexed with application for the compounding of an application.

4. That it is humbly stated that the deponent has no objection whatsoever if the application bearing no. CRM-3714 of 2025 moved for compounding of an offence stands allowed and the conviction of petitioner vide judgment dated 18.01.2025 is set aside.”



4 Reliance is placed upon the Full Bench of this Court in

Kulwinder Singh and others v. State of Punjab and another, 2007 (3)

RCR (Criminal) 1052, has observed as under:-

“(28) *To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice".*

(29) *In **Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and others**, Hon'ble Krishna Iyer, J. aptly summoned up the essence of compromise in the following words:*

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

(30) *The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.*

(31) *No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C.*

(32) *The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the*



exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

(33) *The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.*

(34) *The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”*

5. In this regard, counsel for the petitioner has also placed reliance on the judgment(s) of:

- i) Hon’ble the Supreme Court rendered in the cases of **Narinder Singh and others v. State of Punjab and another**, (2014) 6 SCC 466; and **Ramgopal and another v. The State of Madhya Pradesh**, 2021 SCC Online SC 834;



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- ii) a Division Bench judgment of this Court in the case of **Sube Singh and another v. State of Haryana and another**, 2013 (4) RCR (Criminal) 102; and
- iii) a recent judgment passed by this Court in the case of **Lakhbir Singh v. State of Punjab and another** (CRA-S2065-SB-2007, decided on 14.02.2023 : Law Finder Doc ID #2138925).

6. Thus, on the basis of cited judgments counsel submits that in view of the compromise/settlement arrived at between the parties; by compounding the offence, proceedings can be quashed for the offence in question.

7. Since, the dispute has already been resolved, the offence under Section 138 of the Negotiable Instruments Act, is ordered to be compounded. Thus, CRM-3714-2025 in CRR-254-2025, is allowed, and resultantly, the judgment of conviction and order of sentence passed by the Court(s) below, is ordered to be considered inoperative and of no consequence for all intents and purposes.

8. Present revision petition stand disposed of, with the aforesaid observations.

9. Pending miscellaneous application(s), if any, shall stand disposed of.

(SANJAY VASHISTH)
JUDGE

04.03.2025

Rashmi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>