

2025:PHHC:073065



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

**CRR 317 of 2025 (O&M)
Date of Decision: 26.05.2025**

Manjit Singh ...Petitioner

Vs.

State of Punjab and another ...Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Gurpreet Singh, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. T.P.S. Makkar, Advocate, for respondent No. 2.

N.S.SHEKHAWAT, J. (Oral)

CRM 4848 of 2025

The petitioner has moved the present application with a prayer to condone the delay of 189 days in filing the present revision petition.

Notice of motion.

On the asking of the Court, Mr. M.S. Bajwa, DAG, Punjab accepts notice on behalf of the State of Punjab.

I have heard learned counsel for the parties and perused the record.

For the reasons mentioned in the application, the same is allowed and the delay of 189 days in filing the present revision petition is ordered to be condoned.

CRR 317 of 2025

1. The present revision petition has been preferred against the impugned judgment dated 01.05.2024 passed by the Court of Additional Sessions Judge, Sangrur, whereby, the judgment of conviction and order of sentence dated 26.08.2019 passed by the Court of Chief Judicial Magistrate, Sangrur were ordered to be upheld and the appeal filed by the present petitioner was ordered to be dismissed.

2. Vide order dated 19.02.2025, the case was referred to the Mediation and Conciliation Centre of this Court. With the intervention of the Mediator, both the parties entered into a compromise and had signed an agreement/settlement dated 17.03.2025, which was signed by both the parties. During the course of hearing, learned counsel for the petitioner contends that the petitioner is a rustic villager and he has compromised the matter with the respondent/complainant. Even, all the payments in terms of the compromise deed dated 17.03.2025 have been made to the respondent No. 2 by the petitioner.

3. On the other hand, learned counsel appearing on behalf of the respondent No.2/complainant submits that he has no objection in case the present petition is allowed on the basis of compromise and the parties have signed the settlement deed dated 17.03.2025, which was prepared by the learned Mediator.

4. I have heard learned counsel for the parties and perused the record.

5. Learned counsel for the petitioner by relying upon Cochin Hotels Co.(P) Ltd. and others Vs. Kairali Granites and others, 2006(2) RCR (Criminal) 333 and K. Subramanian Vs. R. Rajathi represented by POAP Kaliappan, 2010 (1) RCR (Criminal) 184 contended that even after finalization of judgment of conviction and order of sentence, petitioner can resort to compounding mechanism in terms of Section 147 of Negotiable Instruments Act as the offence related to dishonouring of cheque is having compensatory profile and it should be given precedence over punitive mechanism. Offence is almost a civil wrong which has been clothed in a criminal overtone, therefore, the priority should be given to compensatory mechanism

6. Learned counsel also relied upon Damodar S. Prabhu vs. Sayed Babalal H.(supra) Kaushalya Devi Massand vs. Roopkishore, 2011(2) RCR (Criminal) 298 and contended that the compromise in question would definitely go in long way to strengthen the mutual relationship between the parties and would serve as an ever lasting tool in their favour. This exercise would be in consonance with the spirit of Section 147 of the Negotiable Instruments Act as endorsed in Damodar S. Prabhu's case (supra)

7. For the reasons recorded hereinabove, I deem it appropriate to dispose off the present revision petition in terms of

compromise. Consequently, the impugned judgment dated 01.05.2024 passed by the Court of Additional Sessions Judge, Sangrur and the judgment of conviction and order of sentence dated 26.08.2019 passed by the Court of Chief Judicial Magistrate, Sangrur are set aside.

8 So far as 15% of the cheque amount in terms of ratio of **Damodar S. Prabhu's case (supra)** is concerned, I am of the view that Section 147 of the Negotiable Instruments Act does not contain any guideline or procedure for proceeding with the compounding of the offences. Since scheme under Section 320 Cr.P.C cannot be followed in stricto sensu, therefore, Hon'ble Apex Court has also clarified that in order to discourage chronic litigants from delaying the composition of the offence under Section 138 of the Act, the scheme for imposing costs is considered to be a valid means to encourage compounding at the earliest. Valuable time of the Court is also involved in the trial of the cases and the parties are not liable to pay any Court fee in such proceedings, even though the impact of the offence is largely confined to the private parties. The imposition of costs would be a matter of discretion of the Court.

9. In view of the fact that the parties have resolved their differences and have compromised the matter and also the fact that the petitioner is rustic villager and a poor person, I am of the view that 15% of the cheque amount towards cost(s) of litigation can be waived off in the interest of justice.

10. In view of the above discussion, the impugned judgments/order(s) are set aside and the parties are allowed to compound the offence in terms of Section 147 of the Act and petitioner is ordered to be acquitted of the charge.

11. All pending applications, if any, are disposed off, accordingly.

26.05.2025

(N.S.SHEKHAWAT)

amit rana

JUDGE

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