



CRR-518-2025 (O&M)

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

**CRR-518-2025 (O&M)
Date of Decision: 10.03.2025**

Imran Rais

..... Petitioner

Versus

Sukhbir Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Naveen Daryal, Advocate
for the petitioner.

Complainant in person with
Mr. Sanjay Kumar, Advocate.

Rajesh Bhardwaj, J.

1. Present revision petition has been filed impugning the judgment dated 21.02.2022 passed by learned Sub Divisional Judicial Magistrate, Samalkha and judgment dated 18.02.2025 passed by learned Additional Sessions Judge, Panipat, whereby, the petitioner has been convicted and sentenced to undergo one year simple imprisonment and to pay compensation of Rs.10,00,000/-.

2. As per the facts of the case, the complainant was carrying on the business of sale and purchase of buffaloes and cows at Samalkha District Panipat (Haryana). The accused/petitioner expressed his desire to the complainant who was having friendly relations with him to purchase 10 buffaloes for an amount of Rs.11,00,000/- and had given Rs.1,00,000/- in cash to the complainant. He had promised that he will pay the balance amount of Rs.10,00,000/- to the complainant. Thereafter to discharge his legal liability, accused issued two cheques No.391881 dated 30.03.2016 for an amount of Rs.5,00,000/- and No.391882 dated 05.04.2016 for an amount of



Rs.5,00,000/- but on being presented in the Bank the same were returned dishonoured vide memo dated 30.05.2016 with the remarks “payment stopped by drawer”. Resultantly, complaint under Section 138 of the Negotiable Instruments Act was filed against the accused.

3. On conclusion of the trial, the petitioner was convicted and sentenced by learned SDJM, Samalkha vide order dated 21.02.2022/03.03.2022 to undergo simple imprisonment of one year and the complainant was awarded compensation to the tune of Rs.10,00,000/-. Aggrieved by the conviction and sentence awarded by learned SDJM, Samalkha, the petitioner assailed the same by way of filing an appeal before the learned Appellate Court. Learned Appellate Court, finding no merit in the appeal, dismissed the same by upholding the conviction and sentence of the petitioner vide its order dated 18.02.2025. Hence, the petitioner has approached this Court by way of filing the present revision petition challenging the above said orders.

4. Learned counsel for the petitioner has submitted that now the parties have settled the dispute and entire amount has been paid by the petitioner to the complainant-respondent and now nothing is due against him. He further submits that in view of the settlement effected between the parties, the petitioner be allowed to compound the offence and he be acquitted of the charges under Section 138 of the Act and the orders under challenge in the present revision petition be set aside. He has placed reliance on the law laid down by Hon'ble Supreme Court in **Raj Reddy Kallem vs. The State of Haryana and another**, Law Finder Doc Id# 2557645, wherein, it has been held that there is no bar to seek the compounding of the offence at later stage



of criminal proceedings including after conviction. He has further submitted that the petitioner being a poor person is unable to pay the compensation as per requirement of the judgment of Hon'ble Supreme Court in **Damodar S. Prabhu vs. Sayad Babalal H. 2010(2) RCR (CrI.) 851**. Thus, he prays for dispensing with the condition of depositing of 15% of the cheque amount keeping in view the poor financial condition of the petitioner.

5. Learned counsel for the respondent has affirmed the contentions raised by learned counsel for the petitioner with regard to the settlement and has submitted that complainant-respondent has no objection, if the present petition is allowed and the orders under challenge are set aside/quashed.

6. Heard. As the parties have compromised the matter and have buried the hatchet, no purpose would be served by punishing the petitioner, who has already honoured the terms of the compromise, which fact has been affirmed by learned counsel for respondent-complainant. In **Raj Reddy Kallem's** case (supra), it has been held that the accused must try for compounding of the offence at the initial stages instead of later stages, however, there is no bar to seek the compounding of offence at later stage of criminal proceedings including after conviction.

7. This Court is aware of the fact that as per law laid down by the Hon'ble Supreme Court in **Damodar S. Prabhu's case** (supra) offence is to be compounded by burdening the petitioner with 15% of the cheque amount to be paid as compensation/costs but taking into consideration the financial condition of the petitioner who is stated to be a poor person having no source of income, this Court deems it appropriate to waive off the said condition of deposit of 15% of the cheque amount as costs/compensation. However, the



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petitioner is burdened with a cost of Rs.50,000/- to be paid to the complainant within 15 days from today.

8. So keeping in view above facts and the law settled by Hon'ble Supreme Court, the petitioner is allowed to compound the offence and he is ordered to be acquitted of the charges framed against him. As a consequences, the order dated 18.02.2025 passed by learned Additional Sessions Judge, Panipat and order dated 21.02.2022 passed by the Sub Divisional Judicial Magistrate, Samalkha, convicting and sentencing the petitioner under Section 138 of the NI Act, *are* set aside subject to payment of Rs.50,000/- as costs to be paid to the complainant by the petitioner within period of 15 days from today by depositing the same in the Court of learned Sub Divisional Judicial Magistrate, Samalkha and the learned Magistrate after depositing of the said amount shall issue notice to the complainant and on his appearance, handover the same to the complainant forthwith.

9. Needless to say that in case the petitioner fails to deposit the amount of costs as directed above, this order would be of no avail to him and the orders under challenge will come in force and the present petition shall be deemed to have been dismissed.

10. The present petition is allowed in the above terms. A copy of this order be sent to the Court of learned Sub Divisional Judicial Magistrate, Samalkha forthwith for compliance.

10.03.2025
m.sharma

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No