

2025:PHHC:118311



(244)

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

**CRR-566-2024 (O&M)
Date of Decision: 01.09.2025**

ASHISH BANSAL

... Petitioner

Versus

DR. SURINDER NATH GOEL & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Inderpreet Singh Kooner, Advocate
for the petitioner.

Ms. Shruti Sharma, Advocate
for respondent No.1.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab
for respondent No.2.

JASJIT SINGH BEDI, J (Oral)

CRM-12470-2024

This is an application filed under Section 147 of NI Act R/w
Section 482 Cr.P.C. for compounding of the offence in view of the fact that
the matter has been compromised between the parties.

Allowed as prayed for subject to all just exceptions.

CRR-566-2024

The present revision petition has been filed against the judgment
dated 27.02.2024 passed by the Additional Sessions Judge, Patiala, vide
which the appeal preferred by the petitioner against the judgment of

conviction and order of sentence dated 30.08.2022 passed by the Judicial Magistrate, 1st Class, Patiala, has been dismissed.

2. The brief facts of the case are that in discharge of his legal liability, the petitioner/accused issued a cheque bearing No.662655 for an amount of Rs.12,50,000/- in favour of respondent No.1/complainant which came to be dishonoured. Pursuant thereto, the accused came to be summoned under the provisions of the 138 of the Negotiable Instruments Act, 1881 vide order dated 30.08.2022 passed by the JMIC, Patiala.

3. The evidence was led and ultimately, the accused/petitioner was held guilty and accordingly, convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for a period of 02 years. The accused/petitioner was also ordered to pay a fine of Rs.2,000/- and default of payment of fine to undergo further simple imprisonment for 15 days.

4. Aggrieved against the said judgment of conviction and order of sentence, the accused preferred an appeal before the Additional Sessions Judge, Patiala, which came to be dismissed on 27.02.2024.

5. Still aggrieved, the present revision petition has been preferred by the accused. During the pendency of the present criminal revision petition, a compromise has been arrived at between the parties on 12.03.2024 (Annexures P-1). It would be relevant to mention here that a combined reading of Section 147 of the Negotiable Instruments Act alongwith Section 320 Cr.P.C. would establish that where a settlement has been effected, the offence under Section 138 of the Negotiable Instruments Act can be

compounded on account of the fact that a mutual compromise has been effected between the parties.

6. Ms. Shruti Sharma, Advocate has put in appearance on behalf of respondent No.1 and has filed her power of attorney. The same is taken on record. She has accepted the factum of the compromise and has stated that she has no objection if the petitioner is acquitted of the charges framed against him.

7. I have heard the learned counsel for the parties.

8. This Court in 'Ramesh Chander Vs. State of Haryana and another, 2007(1) RCR (Criminal) 245' held as under:-

“4. As per the provisions of Section 147 of the Act, the offence under Section 138 is compoundable. Section 147 reads as under:-

“Offence to be compoundable-

Notwithstanding anything contained in the Criminal Procedure Code, 1973(2 of 1974), every offence punishable under this Act shall be compoundable”.

5. The compounding of the offence under Section 138 can be done during the trial of the case as well as by the High Court or Court of Session while acting in the exercise of its power of revision under Section 401 Criminal Procedure Code Reference may be made to Section 320(6) Criminal Procedure Code in this regard.

6. Further, under Section 320(8) Criminal Procedure Code the composition of an offence shall have the effect of acquittal of the accused with whom the offence has been compounded.”

9. This Court in 'Vatsa Electronics Vs. Pala Ram & Anr. decided on 09.03.2022 in CRR-1585-2019' has also held that once a settlement is being

effected, then in terms of Section 147 of the Negotiable Instruments Act and Section 320 Cr.P.C., the accused ought to be acquitted as the offence stands compounded.

10. The admitted position is that the matter stands settled and the compromise/settlement between the parties dated 12.03.2024 (Annexures P-1) is already on record.

11. In view of the above, since, the parties have voluntarily settled the disputes between themselves, it is a fit case for allowing them to compound the offence.

12. Accordingly, the revision petition is allowed and subject to payment of Rs.25,000/- as costs to be deposited with Punjab and Haryana High Court Employees Welfare Association, Account no. 37167209613 IFSC Code:-SBIN0050306 State Bank of India, High Court Branch, Chandigarh, the judgment dated 27.02.2024 passed by the Additional Sessions Judge, Patiala as well as the judgment of conviction and order of sentence dated 30.08.2022 passed by the Judicial Magistrate 1st Class, Patiala, are hereby set aside. The petitioner is acquitted of the charge under Section 138 of the Negotiable Instruments Act.

13. Since the main petition has been disposed of no order needs to be passed in the pending application(s), if any.

(JASJIT SINGH BEDI)
JUDGE

01.09.2025
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No