



CRR-903-2023(O&M)

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

CRR-903-2023 (O&M)

Decided on : 06.03.2025

Pawan Kumar Saxena**.....PETITIONER**

VERSUS

M/s A.S. Cement Stores**.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.**

Present: Mr. Roopam Jain, Advocate for the petitioner.

Mr. Arvinder Singh, Advocate for the respondent.

SANJAY VASHISTH, J (ORAL)

1. Present revision petition has been filed against the judgment dated 22.03.2023, passed by learned Additional Sessions Judge, Fatehgarh Sahib in CIS No. CRA-228-2018, titled as 'Pawan Kumar Saxena Vs. M/s A.S. Cement Store, whereby appeal filed against the judgment of conviction and order of sentence dated 26.09.2018 passed by Judicial Magistrate First Class, Fatehgarh Sahib, convicting the petitioner for committing offence under Section 138 of NI Act was sentenced to undergo rigorous imprisonment for a period of one and half year and to pay a fine of Rs.5,000/-, was dismissed.

2. During the pendency of the revision petition before this Court, dispute between the parties was amicably resolved, and thereupon, on 04.03.2025, following order was passed by this Court:-

“1. Petitioner Pawan Kumar Saxena was convicted by the Courts below for committing an offence under Section 138 of the Negotiable Instruments Act, 1881 (for short "the Act") and accordingly was sentenced to undergo rigorous imprisonment for a period of one and half year and to pay a fine of Rs.5,000/- and



in case of default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.

This is how the petitioner is before this Court by way of filing instant criminal revision petition.

2. *By way of filing CRM-11812-2024, learned counsel for the petitioner submits that the monetary dispute has already been resolved between the parties, i.e. petitioner herein, on the one side, and the respondent M/s A.S. Cement Stores through its proprietor, on the other side. The disputed amount has already been paid and, therefore, the present revision petition is to be disposed of having the offence been compounded under Section 147 of the Act.*

3. *Though formal notice was not issued in the present application but the matter has been resolved and the learned counsel representing the sole respondent is present, who confirms the statement made by the petitioner's counsel. He further submits that the monetary dispute has been completely resolved and no claim of the respondent is left undecided vis-à-vis the applicant-petitioner Pawan Kumar Saxena. Therefore, he submits that he has no objection if the present revision petition is disposed of by allowing compounding of the offences).*

The respondent is directed to file affidavit confirming the aforesaid facts on oath.

List on 05.03.2025.

To be shown in the urgent list. ”

3. Mr. Arvinder Singh, Advocate puts in appearance on behalf of respondent No.2 and filed affidavit of Lavender Kumar Singhi (Proprietor of M/s A.S. Cement Store) in the Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

Counsel refers to paragraph No. 4 of the affidavit dated 05.03.2025, wherein, it has been categorically stated by the deponent ***“that the compromise deed dated 04.04.2023 was entered into by the deponent with his free will and without any coercion or pressure from anyone while being in sound state of Mind”***. Counsel also submits that complainant has no objection, if the application for compounding of the offence is allowed and judgment dated 22.03.2023 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;



- 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-11812-2024 in CRR-903-2023, 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 intent 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

06.03.2025
Rashmi

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