



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

CRM-M-15468-2025

Date of Decision: 20.03.2025

Varinder Singh @ Varinder Thakur

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ajay Pal Singh Rehan, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of the criminal complaint bearing No.CIS NO.916/2019 (Annexure P-1) titled as Rahul Gupta vs. Varinder Singh @ Varinder Thakur and another, under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act') alongwith all consequential proceedings arising therefrom including the judgment of conviction dated 10.01.2025 (Annexure P-2) passed by learned JMIC, Hoshiarpur on the basis of compromise dated 10.01.2025.

2. The case as enumerated from the facts is that a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') was filed against the petitioner by respondent No.2 on the allegations of dishonouring of cheque No.000009 dated 15.10.2019 for an amount of Rs.10,00,000/- issued by the petitioner in discharge of his liability and the said complaint was accepted vide order dated 10.01.2025 by learned JMIC, Hoshiarpur, whereby the petitioner was sentenced to simple imprisonment for six months and was also ordered to be released on probation for six months in view of the compromise already arrived at between the parties and the amount settled between them was already paid to the complainant.



The order of conviction and sentence dated 10.01.2025 was not assailed by the petitioner by filing appeal, but the petitioner has approached this Court by way of filing the present petition challenging the order dated 10.01.2025.

3. Learned counsel for the petitioner has submitted that the parties have already settled the dispute and entire amount has already been paid by the petitioner to the complainant-respondent and now nothing is due against him. He submits that the petitioner has also been released on probation by learned trial Court as the matter has been compromised between the parties. 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 order under challenge in the present 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 (Crl.) 851. Thus, he prays for dispensing with the condition of depositing of 15% of the compensation amount keeping in view the poor financial condition of the petitioner.

4. Notice of motion.

5. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State and Ms.Avneet Kaur, Advocate for Mr. Ishan Cooner,



Advocate, accepts notice on behalf of respondent No.2.

6. Learned counsel for respondent No.2 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 order under challenge is set aside/quashed.

7. 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.

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 10.01.2025 passed by JMIC, Hoshiarpur, convicting and sentencing the petitioner under Section 138 of the NI Act, is set aside subject to payment of Rs.10,000/- as costs to be paid to the complainant. The petitioner is directed to deposited the same within a period of 10 days from today with the trial Court concerned. Thereafter, the trial Court shall issue a notice to the complainant and on his appearance, the costs shall be paid to him forthwith.

9. Taking into consideration the contention raised by learned

counsel for the petitioner regarding poor financial condition of the petitioner, this Court deems it appropriate to dispense with the condition of deposit of 15% of the cheque amount as compensation by the petitioner and he is allowed to compound the offence. However, the petitioner is directed to deposit the costs as mentioned above.

10. Present petition is allowed in above terms and the pending applications, if any are also disposed of.

11. 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 order dated 10.01.2025 will come in force and the present petition shall be deemed to have been dismissed.

12. Copy of this order be sent to learned trial Court concerned forthwith.

20.03.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

Whether Reportable

:

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Yes/No

Yes/No