

2025:PHHC:045794



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

**CRR 741 of 2025 (O&M)
Date of Decision: 02.04.2025**

Surender Dutt Sharma ...Petitioner
Vs.
State of Haryana and another ...Respondent

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

Present : Mr. Sanchit Punia, Advocate, for the applicant/petitioner.
Mr. Rajinder Kumar Banku, DAG, Haryana.
Ms. Jasleen Kaur, Advocate, for respondent No. 2.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner had filed the present revision petition against the impugned judgment and order dated 07.03.2025 passed by the Court of Sessions Judge, Hisar and the judgment dated 27.07.2018 and order dated 30.07.2018 passed by the Judicial Magistrate First Class, Hisar, whereby, the petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act 1881 and was sentenced to undergo simple imprisonment for six months and to pay a compensation of Rs. 3 lacs, i.e., the cheque amount.

2. During the pendency of the present petition, the petitioner has moved an application (CRM 12915 of 2025) under Section 147 of the Negotiable Instruments Act 1881 read with

Section 528 of the BNSS with a prayer to allow the parties to compound the offence in view of the compromise dated 25.03.2025 (Annexure A-1). Learned counsel for the petitioner contends that after the conviction, the matter has been amicably settled between the parties and both the parties have signed a compromise deed dated 25.03.2025 (Annexure A-1). Even, the amount in dispute already stands paid to respondent No.2/complainant and he has no objection, in case the petition is ordered to be quashed by this Court on the basis of compromise.

3. Even, a short reply has been filed by by way of affidavit of respondent No. 2 and the same is taken on record. Learned counsel appearing on behalf of the respondent No. 2 also submits that the matter stands compromised between the parties and the respondent No.2/complainant has no objection, in case, the impugned judgment and order dated 07.03.2025 passed by the Court of Sessions Judge, Hisar and the judgment dated 27.07.2018 and order dated 30.07.2018 passed by the Judicial Magistrate First Class, Hisar, are set-aside and the parties are allowed to compound the offences in the present case.

4. 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

5. 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)**

6. For the reasons recorded hereinabove, I deem it appropriate to dispose of the present revision petition in terms of compromise. Consequently the impugned judgment and order dated 07.03.2025 passed by the Court of Sessions Judge, Hisar and the judgment dated 27.07.2018 and order dated 30.07.2018 passed by the Judicial Magistrate First Class, Hisar, are set aside.

7. 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. In the present case, the petitioner is directed to deposit an amount of Rs.45,000/-, which is 15% of the cheque amount within a period of 02 months with Haryana State Legal Services Authority. In case, the above cost is not deposited with the Haryana State Legal Services Authority within a period of 02 months, the present petition shall be deemed to be dismissed. The petitioner is ordered to be acquitted of the notice of accusation.

8. All pending applications, if any, are disposed off, accordingly and the petitioner shall be ordered to be released from custody, if not required, in any criminal case.

24.03.2025**(N.S.SHEKHAWAT)**

amit rana

JUDGE

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