



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

CRR-2401-2018

Date of decision: 24.01.2025

Rajinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. H.P.S. Ishar, Advocate and
Dr. Sumati Jund, Amicus Curiae, for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

Mr. G.S. Sandhu, Advocate for respondent No.2.

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioner/accused seeking setting aside of judgment dated 16.04.2018 passed by the Court of Additional Sessions Judge, Bathinda whereby the appeal filed by petitioner against judgment and order dated 21.04.2017 passed by the Court of Judicial Magistrate Ist Class, Bathinda, whereby petitioner was convicted and sentenced to RI for a period of two year and to pay a fine of Rs.5000/- and in default of payment of fine to further undergo RI for 30 days under Section 138 NI Act, was dismissed.

2. The brief facts of the case are that petitioner issued cheque bearing number 000822 of Rs.3,80,000/- dated 24.12.2013, in name of respondent No.2 a finance company, in discharge his legal liability. On presentation, the said cheque was dishonored and on completion of all the



formalities, respondent No.2 filed complaint under Section 138 NI Act against the petitioner and on conclusion of trial, petitioner was convicted and sentenced to imprisonment and to pay fine as has been detailed in the opening paragraph of present judgment.

3. Being aggrieved, petitioner preferred an appeal which was dismissed by the Court of Additional Sessions Judge, Bathinda vide judgment dated 16.04.2018. Still being not satisfied petitioner filed the present revision petition.

4. During the course of hearing, it has been brought to the notice of the Court that matter has been compromised between the parties. Today, counsel for the petitioner has filed an application under Section 147 NI Act seeking compounding of offence punishable under Section 138 NI Act.

5. The counsel for the petitioner apprised the Court that matter has been settled and the entire settled amount is repaid by the petitioner to respondent No.2 and respondent No.2 has issued 'no due certificate' dated 15.01.2025 to the petitioner. The copy of the same is taken on record. It is further submitted that in light of the said settlement, permission be given to the petitioner to compound the offence punishable under Section 138 NI Act.

6. Counsel appearing on behalf of respondent No.2 has admitted the factum of compromise and further submits that entire settled amount is already received by respondent No.2 and that he is having no objection if offence punishable under Section 138 NI Act is compounded and the petitioner is acquitted.

7. Offence punishable under Section 138 NI Act is a



compoundable offence, as per Section 147 NI Act. It appears that in the present case, parties have settled their dispute with regard to dishonor of cheque in question. In the given circumstances, permission is hereby given to the parties to compound an offence punishable under Section 138 NI Act. Consequently, the petitioner deserves to be acquitted of an offence punishable under Section 138 NI Act.

8. For the foregoing reasons, the present petition is allowed and the impugned judgments passed by the Courts below are set aside and the petitioner is acquitted of an offence punishable under Section 138 NI Act.

24.01.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No