



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

**CRR-1308-2025 (O&M)
Date of decision : 19.05.2025**

Vikash Sharma @ Vikas

.....Petitioner

versus

Sharda Designer Wear and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vikas Bishnoi, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

CRM-20719-2025

Instant application has been filed seeking condonation of delay 71 days in filing the present criminal revision petition.

For the reasons mentioned in the application, delay of 71 days in filing the present criminal revision petition, is hereby condoned.

Application stands allowed.

CRM-20721-2025

Allowed as prayed for.

CRM-20741-2025

Allowed as prayed for.

CRR-1308-2025 (O&M)

1. Present revision petition has been filed by the petitioner impugning the order of conviction and sentence dated 25.03.2022 passed by learned Judicial Magistrate Ist Class, Hisar and order dated 05.03.2025, whereby, appeal filed by the petitioner against the order dated 25.03.2022 was dismissed, affirming the conviction and sentence awarded by Ld. JMIC, Hisar, to undergo simple imprisonment for a period of 02 months and to pay a fine of Rs.56,950/-. Further prayer has been made to quash the order dated 12.12.2022 vide which the petitioner has been declared a proclaimed person and the subsequent FIR No.259 dated 15.04.2023



under Section 174-A IPC, registered at Police Station HTM Hisar.

2. The case as enumerated from the facts is that the present complaint has been filed by the complainant with the allegations that the complainant is running a retail shop namely 'Sharda Designer Wear' and the accused purchased the (Garments) from the complainant time to time. On 09.06.2018, accused purchased some designer wear from the complainant for a sum of ₹56,950/- and he requested the complainant that he would pay the said amount in the last week of June, 2018. For discharging of an existing outstanding and legally enforceable liability, the accused, issued a cheque bearing no. 136534 dated 30.06.2018 for ₹56,950/- in favour of the complainant with the assurance that the said cheque will be honoured as and when presented to the bank. The complainant presented the said cheque to the Bank but the same has been returned unpaid on account of 'Funds Insufficient' vide memo of dishonour dated 13.09.2018. Thereafter, the complainant served a legal notice on the accused through registered post on 22.11.2018 demanding the payment of the bounced cheque within 15 days of the receipt of the registered notice but the accused failed to make the payment of bounced cheque within stipulated period. Hence, the present complaint was filed wherein the petitioner was convicted and sentenced by Id. JMIC, Hisar vide order dated 25.03.2022. Aggrieved by the conviction and sentence awarded by learned JMIC, the petitioner assailed the same by way of filing an appeal before the learned Appellate Court after a period of 03 years. During the intervening period, neither the petitioner filed any appeal nor he appeared before the trial Court, as a result of which, he was declared a proclaimed person by the learned trial Court vide order dated 12.12.2022 and thus, FIR bearing No.259 dated 15.04.2023 was also got



registered against him for the commission of offence under Section 174-A IPC. Thereafter, learned Appellate Court, finding no merit in the appeal, dismissed the same by upholding the conviction and sentence of the petitioner vide its order dated 05.03.2025. Hence, the petitioner has approached this Court by way of filing the present revision petition challenging the above said orders.

3. Learned counsel for the petitioner has submitted that now the parties have settled the dispute and entire amount has been paid by the petitioner to the complainant-respondent and now nothing is due against him. 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 framed under Section 138 of the Act and the orders under challenge in the present revision 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 is poor person and is unable to pay the compensation as per requirement in 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 deposit of 15% of the compensation amount keeping in view the poor financial condition of the petitioner. He has further submitted that order dated 12.12.2022 and the subsequent FIR No.259 dated 15.04.2023, be also quashed.

4. Notice of motion.



5. Mr. Sarun Hans, Advocate has put in appearance and filed Vakalatnama on behalf of respondent No.1, in the Court today and same is taken on record and Mr. Tanuj Sharma, A.A.G., Haryana, accepts notice on behalf of respondent No.2-State.

6. Learned counsel for respondent No.1 has affirmed the contentions raised by learned counsel for the petitioner with regard to the settlement effected between the parties and has submitted that complainant-respondent has no objection, if the present petition is allowed and the orders under challenge are 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 stage instead of later stage, however, there is no bar to seek the compounding of offence at later stage of criminal proceedings including after conviction.

8. In view of the fact that the root cause of the controversy i.e. main complaint under Section 138 of NI Act between the parties has been settled and aggrieved person i.e. respondent No.1 has received his full and final payment and he has no objection if the entire proceedings between the parties are finished. Therefore, when the matter between the parties is settled, no purpose would be served by keeping the order dated 12.12.2022 vide which the petitioner was declared proclaimed person and consequent FIR under Section 174-A IPC, alive anymore. This view was taken by the coordinate Bench of this Court in a case titled as “**Ashok Madan vs. State of Haryana and another**” reported as 2020(4) RCR



(Criminal) 87, “Anil Kumar Versus Jitender Kumar and another”, CRM-M-5878- 2022 decided on 06.04.2022 and “Varinder Kumar @ Virender Kumar Versus State of Haryana and another”, CRM-M-42551-2021 decided on 19.04.2022.

9. 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 05.03.2025 passed by learned Additional Sessions Judge, Hisar and order dated 25.03.2022 passed by JMIC, Hisar, convicting and sentencing the petitioner under Section 138 of the NI Act as well as the order dated 12.12.2022 vide which the petitioner was declared a proclaimed person and subsequent FIR No.259 dated 15.04.2023 under Section 174-A IPC, registered at Police Station HTM Hisar, are hereby *set aside*.

10. 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.

11. Revision petition is allowed in above terms and the pending applications are also disposed of. Petitioner be set at liberty, if not required in any other case.

(RAJESH BHARDWAJ)
JUDGE

19.05.2025
ps-I

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