



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-1348-2025(O&M)

Date of Decision:-21.07.2025

Baljinder Kaur.

.....Petitioner.

Versus

Sohan Lal & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Akshay Kumar Jindal, Advocate with
Mr. Vrishank Suri, Advocate for the Petitioner.

Mr. Vishal Sharda, Advocate for the respondent no.1.

Mr. Viney Phogat, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

CRM-25709-2025

Heard.

In view of the submissions made in the application seeking compounding of offence, the same is allowed in view of the compromise dated 26.07.2024 Annexure P-5 along with the application.

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The present revision petition has been filed against the judgment dated 14.05.2025 passed by the Additional Sessions Judge, Kurukshetra, vide which the appeal preferred by the accused-petitioner against the judgment of conviction and order of sentence dated 10.10.2018 passed by the Judicial Magistrate 1st Class, Kurukshetra has been dismissed.



2. Main case is listed for hearing on 05.08.2025.
3. On the oral request of the parties, the main case is taken up today itself for hearing.
4. The brief facts of the case are that accused/petitioner-Baljinder Kaur issued a cheque bearing no.004024 dated 20.06.2016 for an amount of Rs.13,50,000/- (rupees thirteen lac fifty thousand only) drawn on Union Bank, Gita Niketan Branch, District Kurukshetra in favour of the complainant/respondent. On presentation, the aforesaid cheque was dishonoured with remarks “Funds Insufficient” vide memo dated 27.06.2016 and the same was returned to the complainant/respondent. The accused/petitioner was served with a legal notice dated 14.07.2016 for the repayment of the aforesaid amount but he failed to make the payment leading to the initiation of proceedings under Section 138 of the Negotiable Instruments Act, 1881.
5. In the complaint under Section 138 of the Negotiable Instruments Act, 1881 filed by the complainant/respondent, the accused/petitioner was summoned to face trial. The evidence was led and ultimately, the accused/petitioner was held guilty and accordingly, convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, and was sentenced as under with further direction to pay compensation to the tune of double of the amount of impugned cheque i.e. Rs.13,50,000/- within a period of 06 months from the date of judgment and in default of payment of compensation amount, she was further sentenced to undergo SI for two months:-

Offence under Section	Sentence
138 of the N.I. Act	SI for 06 Months

6. Aggrieved against the said judgment of conviction and order of



sentence dated 10.10.2018, the petitioner preferred an appeal before the Additional Sessions Judge, Kurukshetra, which came to be dismissed on 14.05.2025.

7. Still aggrieved, the present revision petition has been preferred by the petitioner.

8. The learned counsel for the petitioner contends that during the pendency of the revision petition, a compromise has been effected between the parties. He contends that as against the cheque amount of Rs.13,50,000/- the amount of Rs.19,90,000/- stands paid to the complainant and therefore, and, therefore, the offence may be compounded in terms of the application bearing **CRM-25709-2025** seeking permission to compound the offence. Therefore, nothing is due towards her. He further contends that in view of Section 147 of the Negotiable Instruments Act read with Section 320 Cr.P.C. where a settlement has been effected, the offence under Section 138 of the Negotiable Instruments Act can be compounded on account of the fact that a mutual compromise has been effected between the parties.

9. The Counsel for the respondent no.1/complainant accepts the factum of compromise and states that the complainant has received the amount of Rs.19,90,000/- against the cheque amount of Rs.13,50,000/- as full and final payment, and has no objection if the prayer of the accused-petitioner for compounding the offence under Section 138 N.I. Act is allowed and he is acquitted of the charges framed against him.

10. I have heard the counsel for the parties.

11. This Court in **'Ramesh Chander Vs. State of Haryana and another, 2007(1) RCR (Criminal) 245'** held as under:-

“4. As per the provisions of Section 147 of the Act, the offence under Section 138 is compoundable. Section 147 reads as under:-



“Offence to be compoundable-

Notwithstanding anything contained in the Criminal Procedure Code, 1973(2 of 1974), every offence punishable under this Act shall be compoundable”.

5. The compounding of the offence under Section 138 can be done during the trial of the case as well as by the High Court or Court of Session while acting in the exercise of its power of revision under Section 401 Criminal Procedure Code Reference may be made to Section 320(6) Criminal Procedure Code in this regard.

6. Further, under Section 320(8) Criminal Procedure Code the composition of an offence shall have the effect of acquittal of the accused with whom the offence has been compounded.”

12. This Court in 'Vatsa Electronics Vs. Pala Ram & Anr. decided on 09.03.2022 in CRR-1585-2019' has also held that once a settlement is being effected, then in terms of Section 147 of the Negotiable Instruments Act and Section 320 Cr.P.C., the accused ought to be acquitted as the offence stands compounded.

13. The admitted position is that the matter stands settled on the basis of mutual compromise/settlement between the parties.

14. Accordingly, the revision petition is allowed and subject to payment of Rs.25,000/- as costs to be deposited with Society for the Care of the Blind, Sector 26, Chandigarh Account No.10506615304, IFSC Code SBIN0003246 State Bank of India, Sector 7, Chandigarh, the judgment dated 14.05.2025 passed by the Additional Sessions Judge, Kurukshetra as well as judgment of conviction and order of sentence dated 10.10.2018 passed by the Judicial Magistrate 1st Class, Kurukshetra are hereby set aside. The petitioner is acquitted of the charge under Section 138 of the Negotiable Instruments Act.



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15. Since the main petition has been disposed of no order needs to be passed in the pending application(s), if any.

(JASJIT SINGH BEDI)
JUDGE

July 21, 2025
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>