



CRR-1460-2025

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

CRR-1460-2025 (O&M)

Date of Decision: 29.05.2025

Krishan Pal @ Krishan Kumar

..... Petitioner

Versus

Rajesh Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nayandeep Rana, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Present revision petition has been filed by the petitioner impugning the order dated 16.05.2025 passed by learned Additional Sessions Judge, Karnal, whereby the order of conviction dated 08.06.2018 and sentence dated 13.06.2018 passed by learned Sub Divisional Judicial Magistrate, Indri, have been upheld.

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 the respondent complainant on the allegations of dishonouring of cheque No.446221 dated 10.11.2014 for an amount of Rs.3,00,000/- issued by the petitioner in discharge of his liability and the said complaint was accepted and the petitioner was convicted vide order dated 08.06.2018 and sentenced to undergo simple imprisonment of six months and burdened with compensation to the tune of double of the cheque amount to the complainant, vide order 13.06.2018 by learned SDJM, Indri. Aggrieved by the conviction and sentence awarded by learned SDJM, Indri, the petitioner assailed the same by way of filing an appeal before the learned Appellate Court. 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 16.05.2025. 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 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 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 (CrI.) 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. Ishan Aggarwal, Advocate, accepts notice on behalf of the respondent. He 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 orders under challenge are set aside/quashed.



6. 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.

7. 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 16.05.2025 passed by learned Additional Sessions Judge, Karnal and orders dated 08.06.2018 and 13.06.2018 passed by SDJM, Indri, convicting and sentencing the petitioner under Section 138 of the NI Act, are set aside subject to payment of Rs.10,000/- as costs to be paid to **Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28-A, Chandigarh** by the petitioner within period of one month from today.

8. 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. Hence, the petitioner is directed to deposit the costs as mentioned above.

9. Revision petition is allowed in above terms and the pending

applications, if any are also disposed of.

10. 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 orders dated 16.05.2025 and 08.06.2018/13.06.2018 will come in force and the present petition shall be deemed to have been dismissed.

29.05.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No