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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1)

CRR-1797-2025(O&M)
Date of decision: 17.11.2025

SAROJ KEDAR SHAH

VERSUS

...PETITIONER

M/S WIZARD COMPUTERS

...RESPONDENT

2)

CRR-1814-2025(O&M)

SAROJ KEDAR SHAH

...PETITIONER

VERSUS

M/S WIZARD COMPUTERS

...RESPONDENT

3)

CRR-1801-2025(O&M)

SAROJ KEDAR SHAH

VERSUS

...PETITIONER

M/S WIZARD COMPUTERS

...RESPONDENT

4)

CRR-1808-2025(O&M)

SAROJ KEDAR SHAH

...PETITIONER

VERSUS

M/S WIZARD COMPUTERS

...RESPONDENT

5)

CRR-1810-2025 (O&M)

SAROJ KEDAR SHAH

...PETITIONER

VERSUS

M/S WIZARD COMPUTERS

...RESPONDENT

6)

CRR-1811-2025 (O&M)

SAROJ KEDAR SHAH

...PETITIONER

VERSUS

M/S WIZARD COMPUTERS

...RESPONDENT



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- 7)

CRR-1861-2025 (O&M)

KEDAR GHANSHYAM SHAH

...PETITIONER

VERSUS

M/S WIZARD COMPUTERS

...RESPONDENT
- 8)

CRR-1888-2025 (O&M)

KEDAR GHANSHYAM SHAH

...PETITIONER

VERSUS

M/S WIZARD COMPUTERS

...RESPONDENT
- 9)

CRR-1889-2025 (O&M)

KEDAR GHANSHYAM SHAH

...PETITIONER

VERSUS

M/S WIZARD COMPUTERS

...RESPONDENT
- 10)

CRR-1894-2025 (O&M)

KEDAR GHANSHYAM SHAH

...PETITIONER

VERSUS

M/S WIZARD COMPUTERS

...RESPONDENT
- 11)

CRR-1898-2025 (O&M)

KEDAR GHANSHYAM SHAH

...PETITIONER

VERSUS

M/S WIZARD COMPUTERS

...RESPONDENT
- 12)

CRR-1934-2025 (O&M)

KEDAR GHANSHYAM SHAH

...PETITIONER

VERSUS

M/S WIZARD COMPUTERS

...RESPONDENT

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Present: Mr. P.S.Sullar, Advocate and
Mr. Saurabh Dalal, Advocate for the petitioner(s).

Mr. Manish Kumar Singla, Advocate with
Ms. Asha Devi Mehta, Advocate and
Ms. Bhoomika, Advocate for the respondent.

RAJESH BHARDWAJ, J. (ORAL)

1. In the above mentioned petitions common question of law and facts are involved, so both the petitions are being disposed of by a common judgment. For brevity, facts are being taken from CRR-1797-2025 titled as “*Saroj Kedar Shah Versus M/s Wizard Computers*”
2. Prayer in the present petition has been made for setting aside the impugned judgment dated 15.07.2025 passed by learned Additional Sessions Judge, Gurugram vide which the appeal filed by the revisionist/petitioner(s) was dismissed against the judgment dated 16.11.2018 and sentence dated 27.11.2018 passed by the learned Judicial Magistrate 1st Class, Gurugram vide which the petitioner(s) were ordered to undergo SI for a period of one year and also to pay compensation of Rs.24,00,000/- to the complainant.
3. The case as enumerated from the facts is that a complaint under Section 138/142 of the Negotiable Instruments Act, 1881 (for short, ‘the NI Act’) was filed against the petitioner(s) by respondent No.1 on the allegations that the petitioner(s) purchased some IT equipments of gross amount of Rs,69,20,771/- from the complainant and the payments were made via cheques. In order to discharge his liability, the petitioner(s) issued cheques bearing Nos.862394 dated 18.11.2013 amounting to Rs.2,62,950/-, 470468 dated 27.11.2013 amounting to Rs.1,39,650/- and 470480 dated 28.11.2013 amounting to Rs.11,58,770/- drawn at Union of India, Branch at Byculla Mumbai, Maharashtra which on

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presentation by the complainant-respondent returned with the remarks 'Payment stopped by drawer'. Thereafter, the respondent served legal notice dated 25.02.2014 upon the petitioner(s), but despite that he failed to make the payment and ultimately complaint was filed. After trial, the trial Court convicted the petitioner(s) and sentenced him to undergo simple imprisonment for a period of 01 year. The petitioner(s) were also burdened with fine of Rs.24,00,000/- of cheque amount as compensation to be paid to the complainant. Aggrieved by the conviction and sentence awarded by learned JMIC, the petitioner(s) assailed the same by way of filing an appeal before the learned Additional Sessions Judge, Gurugram. Learned Additional Sessions Judge, Gurugram, finding no merit in the appeal, dismissed the same by upholding the conviction and sentence of the petitioner(s) vide its order dated 15.07.2025. Hence, the petitioner(s) have approached this Court by way of filing the present revision petition challenging the above said orders.

4. Learned counsel for the petitioner(s) has submitted that now the parties have settled the dispute and entire amount has been paid by the petitioner(s) to the complainant-respondent. He further submits that in terms of the compromise, the balance sum of Rs. 20,00,000/- shall be paid in six instalments. He further submits that in view of the settlement effected between the parties, the petitioner(s) 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

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5. Learned counsel for the respondent has affirmed the contentions raised by learned counsel for the petitioner(s) 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. This Court has heard counsel for the parties and perused the record with their able assistance.

7. As the parties have compromised the matter and have buried the hatchet, no purpose would be served by punishing the petitioner(s), who have already honoured the terms of the compromise, which fact has been affirmed by learned counsel for respondent No.1-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.

8. That the Hon'ble Supreme Court in Judgement of **'Damodar S. Prabhu vs. Sayad Babalal H. 2010(2) RCR (Crl.)** has issued certain guidelines to deposit certain amount when the compounding is effected at a belated stage in matters pertaining to Negotiable Instruments Act however, in a recent Judgement of Hon'ble Supreme Court in **Rajeev Khandelwal Versus State of Maharashtra and another**, has been held that the conditions laid down in the ***Damodar S. Prabhu Versus Sayed Babalal H. Case (supra)*** do not constitute binding precedents and theld as under:-

“The law laid down in the aforementioned judgment cannot be regarded as a binding precedent, as every case must be considered on its own facts. In the present case, we are inclined to hold that the direction imposing costs on the appellant, to be paid to the Legal Services Authority cannot be sustained in the eye of law, particularly when the 3 complainant does not want any further amount and the appellant has expressed his inability to comply with the same, which

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aspect is not in dispute.”

9. So keeping in view above facts and the law settled by Hon’ble Supreme Court, the petitioners are allowed to compound the offence and he is ordered to be acquitted of the charges framed against him. As a consequences, the order dated 15.07.2025 passed by learned Additional Sessions Judge, Gurugram and orders dated 16/27.11.2018 passed by learned Judicial Magistrate Ist Class, Gurugram convicting and sentencing the petitioner(s) under Section 138 of the NI Act, are set aside.

10. Revision petitions are allowed in above terms and the pending applications are also disposed of.

11. All suspension of sentence applications pending along with the present petition and connected petitions are disposed off.

17.11.2025

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**(RAJESH BHARDWAJ)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No