



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

CRM-M-42757-2025 (O&M)

Date of decision: 25.09.2025

GURDEEP SINGH

....Petitioner

Versus

MANN SINGH

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Manish Kumar Singla, Advocate and
Mrs. Shikha Singla, Advocate for the petitioner.

Mr. Dinesh Kumar, Advocate for the respondent.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Petitioner-Gurdeep Singh has filed the instant petition for quashing of the complaint dated 09.07.2018 (Annexure P-1) including judgment of conviction and order on quantum of sentence dated 02.06.2022 passed by learned Judicial Magistrate Ist Class, Fatehgarh Sahib, whereby he has been convicted and sentenced under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') for simple imprisonment for a period of one year and to pay compensation to the tune of Rs.2,00,000/- as also the judgment dated 09.01.2024 (Annexure P-3) passed by learned Additional Sessions Judge, Fatehgarh Sahib, whereby appeal of the petitioner against the aforesaid judgment of conviction and order of sentence dated 02.06.2022 has been dismissed.



2. Brief facts of the present case are that the petitioner issued a cheque of an amount of Rs.2,00,000/- to discharge his legal liability in favour of the respondent and the said cheque was dishonoured on 04.06.2018 with remarks "Funds Insufficient".

3. Learned counsel for the petitioner has further averred that during the pendency of the appeal the parties compromised the matter and the petitioner paid the requisite amount to the respondent but the parties under the impression that the case is over, inadvertently could not brought this fact to the notice of learned Appellate Court and resultantly, learned Additional Sessions Judge, Fatehgarh Sahib dismissed the appeal vide judgment dated 09.01.2024. He further submits that the respondent has given affidavit dated 29.04.2025 (Annexure P-4) to the factum of compromise.

4. Feeling aggrieved, petitioner has filed the instant petition with a prayer that both the aforesaid judgments passed by the Courts below be set aside and the petitioner may be acquitted of the charges levelled against him.

5. Now the petitioner has filed an application under Section 359 BNSS, 2023 seeking permission from this Court to compound the offence and be acquitted of the charges under Section 138 of Negotiable Instruments Act.

6. Learned counsel appearing on behalf of the respondent submits that the matter has been compromised, the amount stands paid and he has no objection, if the present application is allowed.



7. Learned counsel for the petitioner relies upon the judgment in the case of ***Tilak Kataria vs. State of Haryana and another, 2021 (3) RCR (Criminal) 404***, wherein, after considering various judgments of the Apex Court, it has been held that when the complainant does not have any objection, the proceedings should come to an end.

8. The Hon'ble Supreme Court in ***A.T. Sivaperumal vs. Mohammed Hyath (D) by LRs***, decided on 27.03.2017, has held that once the settlement between the parties has been arrived at, the conviction can also be set aside and the litigation too. Similar view has been taken by a Coordinate Bench of this Court in the case of ***Jagmohan Vs. Sandeep Aggarwal and another, 2021(4) RCR (Criminal) 86***.

9. Learned counsel for the petitioner and learned counsel for the respondent, are ad-idem and submit that as the matter stands compromised and the petitioner may be allowed and permission may be granted to the parties to compound the offence under Section 138 of the Act in view of the law laid down by the Hon'ble Supreme Court in ***Damodar S. Prabhu vs. Sayed Babalal H, 2010 (2) RCR (Criminal) 851***; the impugned judgments and order passed by the learned trial Court and the learned Appellate Court may be set aside and the petitioner be acquitted of the charge.

10. I have heard learned counsel for the parties and perused the record.

11. In the present case, the cheque(s) amount is Rs.2,00,000/-. In view of the law laid down in ***Damodar S. Prabhu's case (supra)***, compounding of the present offence can be allowed provided the



petitioner-accused pays 15% of the cheque amount by way of costs. On calculation, 15% of the cheque amount comes to be Rs.30,000/-. As noticed above, the parties have settled the dispute by way of compromise. Thus, this Court grants permission to compound the offence punishable under section 138 NI Act.

12. In view of the above, the impugned judgment of conviction and order on quantum of sentence dated 02.06.2022 passed by passed by learned Judicial Magistrate Ist Class, Fatehgarh Sahib and the judgment dated 09.01.2024 passed by learned Additional Sessions Judge, Fatehgarh Sahib, are set aside; the complaint under Section 138 of the Act stands dismissed and the petitioner stands acquitted of the charge, subject to his depositing the costs of Rs.30,000/- with the Punjab State Legal Services Authority, in view of the law laid down by the Hon'ble Supreme Court in ***Damodar S. Prabhu's*** case (supra), within 15 days from the receipt of the certified copy of this order. The present petition is allowed in the aforementioned terms.

13. Registry is directed to ensure the compliance of this order as to depositing of costs by the petitioner.

14. Pending application(s), if any, stand disposed of in view of the abovesaid judgment.

(RUPINDERJIT CHAHAL)
JUDGE

25.09.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No