



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

CRR-1859-2024(O&M)

Date of Decision:-25.02.2024

Jaspreet Singh.

.....Petitioner.

Versus

Sukhcharan Singh.

.....Respondents.

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

Present:- Mr. Vineet Sachdeva, Advocate &
Mr. Rahul Arora, Advocate for the Petitioner.

Mr. Gurmeet Singh Saini, Advocate for the respondent.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed against the judgment dated 20.11.2023 passed by the Sessions Judge, Ferozepur, vide which the appeal preferred by the accused-petitioner against the judgment of conviction and order of sentence dated 04.07.2023 passed by the Judicial Magistrate 1st Class, Ferozepur has been dismissed.

2. The brief facts of the case are that accused/petitioner-Jaspreet Singh issued a cheque bearing no.047389 dated 16.05.2020 for an amount of Rs.4,62,000/- (rupees four lac sixty two thousand) drawn on Axis Branch, Branch Talwani Bhai in favour of the complainant/respondent. On presentation, the aforesaid cheque was dishonoured with remarks "Account closed" vide memo dated 18.05.2020 and the same was returned to the complainant/respondent. The accused/petitioner was served with a legal



notice dated 10.06.2020 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.

3. 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:-

Offence under Section	Sentence	Compensation amount
138 of the N.I. Act	RI for 01 Year & 03 Months	Cheque amount alongwith interest @ 9% per annum

4. Aggrieved against the said judgment of conviction and order of sentence dated 04.07.2023, the petitioner preferred an appeal before the Sessions Judge, Ferozeur, which came to be dismissed on 20.11.2023.

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

6. The learned counsel for the petitioner contends that during the pendency of the revision petition, a compromise dated 30.08.2024 has been effected between the parties. He contends that the entire cheque amount of Rs.4,62,000/-, stands paid to the respondent/complainant. Therefore, nothing is due towards him. 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 compromise dated 30.08.2024 has been effected between the parties.

7. The Counsel for the respondent/complainant accepts the factum



of a compromise and states that the complainant has received a sum of Rs,4,62,000/- which is the cheque amount and he has no objection if the prayer of the learned counsel for accused-petitioner for compounding the offence under Section 138 N.I. Act is allowed and the petitioner is acquitted of the charges framed against him.

8. I have heard the counsel for the parties.

9. 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.”

10. 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.



11. The admitted position is that the matter stands settled on the basis of a compromise deed dated 30.08.2024 between the parties.
12. In view of the above, since, the parties have voluntarily settled the disputes between themselves, it is a fit case for allowing them to compound the offence.
13. Accordingly, the revision petition is allowed and subject to payment of Rs.20,000/- as costs to be deposited with Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh, the judgment dated 20.11.2023 passed by the Sessions Judge, Ferozepur as well as judgment of conviction and order of sentence dated 04.07.2023 passed by the Judicial Magistrate 1st Class, Ferozepur are hereby set aside. The petitioner is acquitted of the charge under Section 138 of the Negotiable Instruments Act.
14. 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

February 25, 2025
Vinay

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