

S. No.111

2025:PHHC:120543



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

**CRR No.2188 of 2025
Date of Decision:04.09.2025**

Bhoop Singh

.....Petitioner

Vs.

HDFC Bank Limited

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

**Present:- Mr. Sarabjit Singh Sidhu, Advocate
for the petitioner.**

Yashvir Singh Rathor, J. (Oral)

1. This revision petition is directed against the order dated 25.07.2025 vide which the application moved by the accused – petitioner for compounding of offence has been rejected.
2. Learned counsel for the petitioner has argued that he had moved an application before the learned trial Magistrate along with payment by way of draft in the sum of Rs.2,50,000/- for getting the offence compounded in respect of dishonour of the cheque amounting to Rs.2,50,000/- involved in the present petition. However, his request for compounding the offence has been declined by rejecting the application without assigning any cogent reasons with the observation that complainant cannot be compelled to compound the offence as the



learned counsel representing the complainant- Bank had opposed the prayer for compounding the offence and same is liable to be set aside. In support of his contention, learned counsel has placed reliance upon 2024(4) Civil Court Cases 206 (S.C.) - **A.S. Pharma Pvt. Ltd. Vs. Nayati Medical Pvt. Ltd. & Ors.**

3. At the time of arguments, on a query put by the Court, learned counsel for the petitioner admitted that total loan amount due from the petitioner is around 26 lakhs whereas the cheque in question pertained to a sum of Rs.2,56,200/- and petitioner-accused has been held guilty and convicted under Section 138 of the NI Act regarding dishonour of this cheque. However, since the due amount is around Rs.26 lakhs, petitioner cannot compel the bank-complainant to compound the offence merely on payment of the amount equivalent to the cheque amount. Moreover, once he has been held guilty and convicted, the consent of the complainant- bank is essential for compounding of offence and learned counsel representing the complainant- Bank had opposed the prayer for compounding of offence before the learned Appellate Court and same was thus rightly rejected with the observations that the complainant cannot be compelled to compound the offence. The law laid down in **A.S. Pharma's case (supra)** cited by learned counsel for the petitioner is not applicable to the facts of the case in hand as in that case, Hon'ble Supreme Court had ordered compounding of offence and quashing of complaint by invoking the powers under Article 142 of the Constitution and neither the Appellate Court nor the High Court has this power. The learned Appellate Court has thus rightly appreciated the facts



of the case in the correct perspective and has rejected the application. No interference in the impugned order is thus called for.

4. Resultantly, the present petition is also devoid of merit and the same is accordingly dismissed.

(Yashvir Singh Rathor)
Judge

September 04, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No