



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Revision No. 2264 of 2025 (O&M)

Date of Decision: 11.09.2025

Shyam Sunder Yadav

... Petitioner(s)

Versus

Rimple and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Davinder Bir Singh, Advocate
for the petitioner(s).

Surya Partap Singh, J.

1. Vide abovementioned revision petition, the petitioner – Shyam Sunder Yadav is assailing the judgment dated 19.08.2025, passed by the Court of learned Additional Sessions Judge, Ludhiana, vide which an appeal filed by him against the judgment of conviction and order of sentence dated 04.01.2019 passed by the Court of learned Judicial Magistrate Ist Class, Ludhiana, has been dismissed.

2. The learned trial Court, vide above-mentioned judgment of conviction and order of sentence, has convicted the petitioner for the commission of offence punishable under Section 138 of Negotiable Instruments Act, 1881, and sentenced him to undergo rigorous imprisonment for a period of six months and pay a fine of ₹2,000/-. It has been further directed that in case of default, he shall undergo simple imprisonment for a period of seven days.

3. In instant revision petition, an application, i.e. CRM-36538-

2025 has also been filed, praying for compounding of offence on the ground that the parties have amicably resolved their issues and that the matter has been fully compromised.

4. Notice of motion.

5. Mr. Amritpal Singh Gill, Advocate, enters appearance on behalf of the respondent No.1 and files power of attorney. The same be taken on record.

6. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent, and waives service.

5. The learned counsel for the respondent/complainant has endorsed the factum of compromise, and submitted that the respondent has no objection if the impugned judgments are set aside.

6. The record has been perused carefully.

7. With regard to compounding off an offence at appellate stage, the Hon'ble Supreme Court of India in the case of ***Gian Chand Garg v. Harpal Singh and Another (Arising out of Special Leave Petition (Criminal) No. 8050 of 2025) decided on 11.08.2025***, has observed that although dishonour of cheque entails criminal consequence, the legislature by virtue of section 147 of the NI Act has made it compoundable, notwithstanding the provisions of the Code of Criminal Procedure, 1973. As held by the Hon'ble Supreme Court of India, the same can be compounded at any stage of the proceedings especially when the parties have themselves arrived at a voluntary compromise.

8. In another case, i.e. in the case of ***B.V. Seshaiiah v. State of***

Telangana & Anr. (2023) SCC OnLine SC 96, the Hon'ble Supreme Court of India observed that when parties enter into an agreement and compound the offence, they do so to save themselves from the process of litigation and when such a step is taken by the parties, the law very well allows them to do so. Hence, the courts cannot override such compounding and impose its will.

9. Having regard to the facts and circumstances of the case and the fact that the complainant and the petitioner have amicably resolved the matter, and that the respondent No.1/complainant has no objection in case the application, i.e. CRM-36538-2025, for compounding of offence is allowed the application, aforesaid, is hereby allowed.

10. In view of above, the instant revision petition is allowed and the offence is hereby compounded. Consequently, the judgment of conviction and order of sentence dated 04.01.2019 passed by the learned trial Court, as affirmed by the learned Appellate Court vide judgment dated 19.08.2025, are hereby set aside. The petitioner/accused is hereby acquitted of all the charges framed against him. He be released from the jail forthwith.

11. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Surya Partap Singh)
Judge

September 11, 2025

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No