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

CRR-2364-2024 (O&M)

Date of decision: 03.02.2025

RAVINDER KUMAR

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sandeep Lather, Advocate,
for the petitioner.

Mr. Rajesh Duhan, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

1. In compliance of the order dated 18.12.2024, passed by this Court, report dated 24.01.2025 of learned Judicial Magistrate Ist Class, Jind, has been received, the same is taken on record.

2. The instant revision petition has been preferred against the impugned judgment dated 13.11.2024 passed by the Additional Sessions Judge, Jind in Criminal Appeal No.65/2018, titled as "*Ravinder Kumar vs. Kamal Redhu*", whereby the judgment of conviction dated 13.03.2018 and order of sentence dated 20.03.2018 passed by the learned Judicial Magistrate Ist Class, Jind, was upheld.

3. It is, *inter alia*, contended that in a complaint No. 17-2 of 2014 titled as “*Kamal Redhu Vs. Ravinder Kumar*” preferred under Section 138 of the Negotiable Instruments Act (hereinafter referred to as ‘N.I. Act’) filed by the respondent-Kamal Redhu, against the petitioner-Ravinder Kumar, whereby the learned Judicial Magistrate Ist Class, Jind convicted and sentenced the present petitioner to simple imprisonment for a period of one year and to pay compensation to the tune of ₹17,10,000/- vide judgment of conviction dated 13.03.2018 and order of sentence dated 20.03.2018. The same was challenged by the petitioner and the learned Additional Sessions Judge, Jind, while deciding the criminal appeal, i.e. Criminal Appeal No. 65 of 2018, upheld the same, hence aggrieved petitioner preferred the present petition.

4. Learned counsel for the petitioner contends that in the meanwhile a compromise has been effected between the parties on 15.12.2024 (Annexure A-1) and as per compromise all the dues had been paid by the petitioner as such, he prays for compounding of the offence and acceptance of the revision petition.

5. Learned counsel representing the complainant-respondent has admitted the factum of compromise dated 15.12.2024 (Annexure A-1) and submits that he has specific instructions from the complainant-respondent that he has no objection in case the revision petition is allowed and the petitioner is acquitted of the charges.

6. After hearing the respective submissions and perusing the record, the factual position as it emerges is that a criminal complaint under

Section 138 of N.I Act had been filed against the petitioner by the respondent wherein the learned Judicial Magistrate Ist Class, Jind, had convicted and sentenced the petitioner vide judgment of conviction dated 13.03.2018 and order of sentence dated 20.03.2018, thereby holding the petitioner guilty for the offence punishable under Section 138 of the N.I. Act. It is not disputed that the aforesaid judgment of conviction and order of sentence (*supra*) was challenged by the petitioner unsuccessfully and the same was dismissed vide order dated 13.11.2024 in the appeal.

7. During the course of proceedings, settlement was effected between the parties on 15.12.2024 (Annexure A-1), as has been mentioned by learned counsel for the petitioner and the same is not disputed by learned counsel for the respondent. Report to this effect has been called from the learned Judicial Magistrate, Jind qua the genuineness of the compromise effected between the parties. As per the report dated 24.01.2025 of the learned Chief Judicial Magistrate, Ist Class, Jind, the compromise so effected between the parties is out of the free will and without any external pressure or coercion.

8. This be the case, the case of the parties found fairly covered within the ambit of ***Damodar S. Prabhu vs. Sayed Babalal, AIR 2010 (SC) 1097***, wherein it has been held that in case, compromise has been effected at the stage of as in the present case, 15% of the cheque amount would have to be deposited by the petitioner as costs. The guidelines framed in the aforesaid judgment, i.e. ***Damodar S. Prabhu (supra)***, are as under: -

(i) *In the circumstances, it is proposed as follows:*



(a) That directions can be given that the Writ of Summons be suitably modified making it clear to the accused that he could make an application for compounding of the offences at the first or second hearing of the case and that if such an application is made, compounding may be allowed by the court without imposing any costs on the accused.

(b) If the accused does not make an application for compounding as aforesaid, then if an application for compounding is made before the Magistrate at a subsequent stage, compounding can be allowed subject to the condition that the accused will be required to pay 10% of the cheque amount to be deposited as a condition for compounding with the Legal Services Authority, or such authority as the Court deems fit.

(c) Similarly, if the application for compounding is made before the Sessions Court or a High Court in revision or appeal, such compounding may be allowed on the condition that the accused pays 15% of the cheque amount by way of costs.

(d) Finally, if the application for compounding is made before the Supreme Court, the figure would increase to 20% of the cheque amount.

9. In the light of the guidelines given by the Hon'ble Apex Court in the aforesaid judgment, i.e. **Damodar S. Prabhu (supra)**, petition is allowed subject to the petitioner depositing 15% of the cheque amount ₹15,00,000/-, i.e. ₹2,25,000/- before the High Court Legal Services Committee, Chandigarh which learned counsel for the petitioner undertakes to deposit within one month from today.

10. Thus, keeping in view of the above said facts and circumstances, present petition is allowed and as a consequent, the impugned judgment of conviction dated 13.03.2018 and order of sentence dated 20.03.2018 passed by learned Judicial Magistrate Ist Class, Jind, and the impugned order in appeal, dated 13.11.2024, passed by learned Additional Sessions Judge, Jind, stands set aside and the petitioner is acquitted of the charges.

11. It is, made clear that this order of acquittal will be subject to deposit of 15% of cheque amount in terms of *Damodar S. Prabhu (supra)* within one month from today, positively.

12. All the pending miscellaneous application(s), if any, stand disposed of in view of the above said judgment.

03.02.2025
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(SANJIV BERRY)
JUDGE

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