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

201

CRR-2488-2024 (O&M)
Date of decision: 08.09.2025

Hardeep

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Mukul Khatri, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

Mr. Ashok K. Sharma (Bhana), Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. The present revision petition has been filed against the judgment of conviction dated 24.01.2022 and order on quantum of sentence dated 27.01.2022, passed by the Court of learned Judicial Magistrate First Class, Jind in complaint bearing CIS No. NACT-91-2016, titled as ***Joginder Singh through his LRs vs. Hardeep***, filed under Section 138 of the Negotiable Instruments Act, 1881 (*for short 'N. I. Act'*), whereby the petitioner was held guilty for commission of offence punishable under Section 138 of the N. I. Act and was sentenced to undergo rigorous imprisonment for a period of two years and to pay compensation to the tune of Rs. 6,00,000/- to the complainant. The petitioner has also laid challenge to the judgment dated 21.11.2024, passed by the Court of learned Additional Sessions Judge, Jind, whereby the appeal of the petitioner had been dismissed.

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2. Brief facts of the case relevant for the purpose of disposal of this revision petition are that the petitioner obtained a friendly loan of Rs. 4,50,000/- from the complainant Joginder Singh on 10.12.2013 for a period of two months. When the complainant approached him after passing of the period of two months to return the aforementioned amount of money, the petitioner, in order to discharge his legal liability, issued a cheque bearing No. 042061 dated 21.02.2014 for Rs.4,50,000/- drawn on ICICI Bank, Rewari Branch with an assurance that the same would be honoured on presentation but it dishonoured due to 'insufficient funds'. He was served with a legal notice dated 18.03.2014 but he failed to make payment within the time stipulated. Aggrieved from the same, the complainant filed the aforesaid complaint under Section 138 of N. I. Act, in which, the petitioner was held guilty and sentenced as mentioned above. His appeal too was dismissed by the learned appellate Court. Hence, the present revision petition.

3. During the pendency of the present petition, it was submitted on behalf of the petitioner that he was willing to amicably resolve the dispute with the complainant/his LRs and to show his *bona fide*, he would deposit an amount of Rs.3,00,000/- with the trial Court. Hence, vide order dated 09.12.2024, his sentence was suspended. Thereafter, vide order dated 09.07.2025, the case was referred to Mediation and Conciliation Centre of this Court in view of Special Mediation trial launched by Hon'ble Supreme Court. In pursuance thereof, the parties have appeared before the Mediation and Conciliation Centre of this Court and have amicably resolved their dispute. A settlement agreement, in this regard, has also been reduced into writing, wherein the entire dispute has been settled for a sum of Rs.4,00,000/-, out of which, an amount of Rs.3,00,000/- has already

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been deposited with the learned trial Court and balance amount of Rs. 1,00,000/- was to be deposited in the account of wife of the complainant on or before 20.08.2025.

4. It is argued by learned counsel for the petitioner that the petitioner has paid the entire amount of money as agreed between the parties before the Mediation and Conciliation Centre of this Court and now nothing remains against him. It is further submitted that respondent No. 2(i) to (iii) also admit the factum of the above stated settlement having been arrived between the parties and about receipt of the entire disputed amount and therefore, he deserves to be granted permission to compound the offence.

5. Learned counsel for respondent No. 2(i) to (iii)/complainant has affirmed the factum of receiving the entire disputed amount from the petitioner and has submitted that he has no objection if the offence is compounded in favour of the petitioner and the judgment of conviction and order of sentence recorded by learned trial Court and affirmed by learned appellate Court are quashed and set aside.

6. Section 147 of N. I. Act makes all offences under this Act as compoundable offences. It is well settled proposition of law by now that in view of the provisions contained under this Section read with Section 320 of Cr.P.C., a compromise arrived *inter se* parties can be accepted and the offence committed under Section 138 of N. I. Act, can be ordered to be compounded even after conviction. Reference in this regard can be made to the judgment dated 02.03.2022 pronounced by the High Court of Himachal Pradesh in Criminal Misc. (main) petition No. 107 of 2022 under Section 482 of Cr.P.C. titled as ***Hiranand Shastri Vs. Ram Rattan Thakur and another***, wherein it was observed

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that the judgment of conviction recorded under Section 138 of N. I. Act can be recalled, in view of the specific provisions contained under Section 147 of the Act, which provide for compounding of offence allegedly committed under Section 138 of N.I. Act. Similar proposition of law was laid down in the judgment dated 21.12.2021 in **CRM-M-No. 2499-2021** in **Geeta Devi Vs. Surinder Singh and another**', wherein it was observed by the High Court of Himachal Pradesh that the Court has ample powers under Section 147 of N.I. Act to compound the offence in those cases, where the accused already stands convicted. Reference can also be made to the authority cited as **Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102**, wherein a Division Bench of this Court has held that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence.

7. In **Damodar S. Prabhu Vs. Sayed babalal H. 2010(2) RCR (Criminal) 851**, the Hon'ble Supreme Court had laid down several guidelines with regard to the proceedings conducted in connection with complaints filed under Section 138 of NI Act. It was observed that the interest of the complainant lied primarily in recovering the money rather than seeing the drawer of the cheque in jail with respect to the offence of dishonour of the cheque and it is compensatory aspect of the remedy which should be given priority over the punitive aspect. In **Raj Reddy Kallen Vs. State of Haryana and another (2024) 5 SCR 203**, it was observed by Hon'ble Supreme Court that keeping in mind that 'compensatory aspect,' of remedy shall have priority over the 'punitive aspect',

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courts should encourage compounding of offences under the N.I. Act, if the parties are willing to do so.

8. In the instant case, as discussed above, the parties have settled their dispute amicably, in pursuance of which, the entire disputed amount has been paid by the petitioner to the legal heirs of complainant Joginder Singh. This fact is affirmed by their counsel. He has stated that the legal heirs of the complainant have no objection if the offence is compounded. This amicable settlement has been arrived at between the parties after passing of judgment dated 21.11.2024 by the learned appellate Court. There is no doubt that the petitioner and respondent No. 2/complainant have reached at a settlement permissible by law. As such, in the considered opinion of this Court, the conviction of the petitioner would not serve any purpose and is required to be set aside. In the light of the judicial precedents as referred to above and the attendant facts and circumstances of the case, this Court is of the considered opinion that the offence deserves to be compounded in favour of the petitioner. Accordingly, the present petition is allowed and the judgment of conviction dated 24.01.2022 and order on quantum of sentence dated 27.01.2022, passed by the learned trial Magistrate as well as the judgment dated 21.11.2024, passed by the learned appellate Court, are set aside. The offence for which the petitioner was convicted stands compounded and the petitioner is acquitted on account of such compounding. His bail/surety bonds be discharged accordingly.

9. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

08.09.2025

Wassem Ansari

*Whether speaking/reasoned
Whether reportable*

(MANISHA BATRA)
JUDGE

*Yes/No
Yes/No*