IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No.2164 of 2026
Date of Decision: 20.11.2026

Amar Nath Sharma ...Applicant/Petitioner

Versus

Santosh Saini ...Non-applicant/Respondent

Coram
Hon'ble Mr Justice Chirag Bhanu Singh, Judge.
Whether approved for reporting?[1]

For the Applicant/Petitioner : Mr. Servedaman Rathore, Advocate.

For the Non-applicant/Respondent: Mr. Goldy Kumar, Advocate.

Chirag Bhanu Singh, Judge (Oral)

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Notice. Mr. Goldy, Advocate, appears and waives service of notice on behalf of the non-applicant/respondent.

2. No reply is intended to be filed on behalf of the non-applicant/respondent.

3. Seeing to the fact that the entire compensation amount of Rs.2,38,000/- stands paid by the petitioner/accused to the respondent/complainant and the respondent stand no

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

objection to the application under Section 5 of the limitation being allowed. In view of the aforesaid circumstances emerging on record, the delay of 298 days in filing the revision petition is condoned.

4. Thus, for the reasons stated in the application and the submissions made by the learned counsel for the parties, the delay of 298 days in filing the revision is condoned.

5. Application is allowed and disposed off, accordingly.

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6. Be registered.

7. The petitioner has preferred the present revision assailing the judgment passed by the Additional Sessions Judge (II) Kangra at Dharamshala, District Kangra, H.P., in Criminal Appeal No. 26-K/X/2025, dated 18.12.2025, whereby the judgment of conviction dated 11.04.2025 and order of sentence dated 03.05.2025 passed by the learned Additional Chief Judicial Magistrate Court No.1, Kangra, District Kangra, H.P., in Criminal Case No. 331-II/2014, stands affirmed under Section 138 of the Negotiable Instruments Act (NI Act), whereby the petitioner stands convicted and sentenced to undergo simple imprisonment for one year and six months and

to pay fine double of remaining cheque amount Rs.1,19000/- (after deducting Rs.54,000/- i.e Rs.2,38,000/- (Rs. Two Lakh Thirty eight Thousand Only) to the complainant.

8. Since the parties have amicably settled the matter and in pursuance to the settlement petitioner/accused has already paid the entire compensation amount of Rs.2,38,000/- to the respondent/complainant, as is also fairly admitted by learned counsel for the respondent, the learned counsel appearing for the petitioner would contend that the conviction and sentence imposed by the learned Courts below be quashed and set-aside.

9. Learned counsel appearing for the respondent/complainant also submits that the lis has indeed been compromised and the respondent/complainant has received the entire amount of compensation of Rs.2,38,000/-.

10. Seemingly, the parties have now buried the hatchet.

11. Since the parties have not only settled the matter but the respondet/complainant has also received the full and final settlement of the claim, the revision deserves to be allowed and the petitioner is entitled to be acquitted. In this behalf, reliance can be placed on the judgment passed by the

Hon'ble Supreme Court in the case titled as ***K.M. Ibrahim versus K.P. Mohammed and another, (2010) 1 SCC 798.***

12. It would be apposite to reproduce para-9 of the ***K.M. Ibrahim's case***, which reads as under:-

> *"9. The golden thread in all these decisions is that once a person is allowed to compound a case as provided for under Section 147 of the Negotiable Instruments Act, the conviction under Section 138 of the said Act should also be set aside. In the case of Vinay Devanna Nayak (supra), the issue was raised and after taking note of the provisions of Section 320 Cr.P.C., this Court held that since the matter had been compromised between the parties and payments had been made in full and final settlement of the dues of the Bank, the appeal deserved to be allowed and the appellant was entitled to acquittal. Consequently, the order of conviction and sentence recorded by all the courts were set aside and the appellant was acquitted of the charge leveled against him."*

13. It is thus crystal clear that, keeping in view the mandate of the aforesaid judgment and the provisions of Section 147 of the N. I. Act, there is no bar for the parties in compounding the offence under the provisions of Section 138 of the N.I. Act, even at the stage of present proceedings.

14. Thus, keeping in view the aforesaid judgment and the facts and circumstances discussed hereinabove, the parties having indeed buried their differences, and the petitioner/accused having made the full and final settlement of the claim, the parties are allowed to compound the offence, and, as a sequel, the judgments passed by the learned Courts

below are quashed and set aside. The accused is acquitted of the charges.

15. Accordingly, the petition is disposed off in the aforesaid terms, pending application(s) so also, if any.

(Chirag Bhanu Singh)
Judge

20th November, 2026
(Subhash sharma)