



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

101

CRR-2055-2008

Date of decision : 05.03.2026

Gulab Singh

....Petitioner

V/S

M/s Chadha Enterprises

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Yuvraj Garg, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

Ms. Mamta Saini, Advocate as
Amicus Curiae for the respondent.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant revision petition challenging the judgment of conviction and order of sentence dated 05/07.07.2008 passed by learned Sub Divisional Judicial Magistrate, Pehowa, whereby the petitioner was convicted under Section 138 of Negotiable Instruments Act and sentenced to undergo rigorous imprisonment for a period of two years, as well as judgment dated 30.09.2008 passed by learned Additional Sessions Judge, Kurukshetra, whereby appeal filed by the petitioner against judgment of conviction and order of sentence dated 05/07.07.2008 was dismissed.

2. Vide order dated 19.03.2025 passed by this Court, the matter was referred to the Mediation and Conciliation Centre of this



CRR-2055-2008

2

Court for exploring the possibility of amicable settlement between the parties.

3. Learned counsel for the petitioner submits that the matter has been settled between the parties vide settlement/agreement dated 22.04.2025, which has already been placed on record. It has also been pointed out that during the pendency of the present petition, the proprietor of the respondent-firm M/s Chadha Enterprises has unfortunately died and the matter has been settled through Sh. Rajesh Kumar Chadha, who was the attorney holder of late Parvesh Chadha.

4. Learned counsel for the respondent-firm admits the factum of compromise and stated that the terms and conditions of the settlement deed has been duly complied with and she has no objection if the petitioner is acquitted of the charges framed against him.

5. This Court in ***Ramesh Chander Vs. State of Haryana and another : 2007(1) RCR (Criminal) 245*** held as under:-

“4. As per the provisions of Section 147 of the Act, the offence under Section 138 is compoundable. Section 147 reads as under:-

“Offence to be compoundable-

Notwithstanding anything contained in the Criminal Procedure Code, 1973(2 of 1974), every offence punishable under this Act shall be compoundable”.

5. The compounding of the offence under Section 138 can be done during the trial of the case as well as by the High Court or Court of Session while acting in the exercise of its power of revision under Section 401 Criminal Procedure Code Reference may be made to Section 320(6) Criminal Procedure Code in this regard.



CRR-2055-2008

3

6. *Further, under Section 320(8) Criminal Procedure Code the composition of an offence shall have the effect of acquittal of the accused with whom the offence has been compounded.”*

6. In view of the above, since, the parties have voluntarily settled the disputes between themselves, it is a fit case for allowing them to compound the offence.

7. Accordingly, the present revision petition is allowed and the order dated 30.09.2008 passed by the learned Additional Sessions Judge, Kurukshetra, and the judgment of conviction and order of sentence dated 05/07.07.2008 passed by the learned Sub Divisional Judicial Magistrate, Pehowa, are hereby set aside. The petitioner is acquitted of the charge under Section 138 of the Negotiable Instruments Act. No order as to costs.

8. Pending application(s), if any, shall stands disposed of accordingly.

05.03.2026

kothiyal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No