

**CRR-619-2011**

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(132)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRR-619-2011****Date of Decision: 20.02.2026****LAKHVIR SINGH****... Petitioner****Versus****STATE OF PUNJAB & ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI****Present:** Mr. JBS Gill, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. Didar Singh, Advocate with
Mr. Fateh Sahota, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J (Oral)

The present revision petition has been filed against the judgment dated 04.01.2011 passed by the Additional Sessions Judge, Hoshiarpur, vide which the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 29.04.2009 passed by the Judicial Magistrate, 1st Class, Dasuya, has been dismissed.

2. The brief facts of the case are that in discharge of his legal liability, the petitioner/accused issued three cheques i.e. cheque No.101292 dated 10.01.2007 for an amount of Rs.3 lakhs and Cheque No.101293 dated 10.01.2007 for an amount of Rs.3 lakhs (both the cheques are subject matter of CRR-2635-2011) and a cheque bearing No.101294 dated 23.09.2006 for an amount of Rs.1 lakh (subject matter of CRR-619-2011) in favour of

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respondent No.2/complainant which came to be dishonoured. Pursuant thereto, the accused came to be summoned under the provisions of the 138 of the Negotiable Instruments Act, 1881 vide order dated 29.04.2009 passed by the JMIC, Dasuya.

3. The evidence was led and ultimately, the petitioner/accused was held guilty and accordingly, convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for a period of 2 years. The petitioner/accused was also ordered to pay an amount of Rs.5000/- as compensation to respondent No.2/complainant and in default of payment of fine to undergo further simple imprisonment for 03 months.

4. Aggrieved against the said judgment of conviction and order of sentence, the petitioner-accused preferred two separate appeals bearing CrI. Appeal No.7 of 22.05.2009 and CrI. Appeal No.8 of 2009 before the Additional Sessions Judge, Hoshiarpur, which came to be dismissed on 04.01.2011.

5. Still aggrieved, the present revision petition (CRR-619-2011) has been preferred by the accused against the judgment in CrI. Appeal No.8 of 2009. During the pendency of the present criminal revision petition, a compromise has been arrived at between the parties on 20.08.2024 at Mediation and Conciliation Centre of this Court. It would be relevant to mention here that a combined reading of Section 147 of the Negotiable Instruments Act alongwith Section 320 Cr.P.C. would establish that where a settlement has been effected, the offence under Section 138 of the Negotiable

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Instruments Act can be compounded on account of the fact that a mutual compromise has been effected between the parties.

6. The learned counsel for respondent No.2/complainant has accepted the factum of the compromise and has stated that he has no objection if the petitioner is acquitted of the charges framed against him as against the cheques amount of Rs.7,00,000/-, Rs.6.25 lakhs stand paid.

7. I have heard the learned counsel for the parties.

8. 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.

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.”

9. This Court in 'Vatsa Electronics Vs. Pala Ram & Anr. decided on 09.03.2022 in CRR-1585-2019' has also held that once a settlement is being

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effected, then in terms of Section 147 of the Negotiable Instruments Act and Section 320 Cr.P.C., the accused ought to be acquitted as the offence stands compounded.

10. The admitted position is that the matter stands settled and the compromise/settlement between the parties dated 20.08.2024 at Mediation and Conciliation Centre of this Court.

11. 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.

12. Accordingly, the revision petition is allowed and subject to payment of Rs.25,000/- as costs to be deposited with Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh, the judgment dated 04.01.2011 passed by the Additional Sessions Judge, Hoshiarpur as well as the judgment of conviction and order of sentence dated 29.04.2009 passed by the Judicial Magistrate, 1st Class, Dasuya are hereby set aside. The petitioner is acquitted of the charge under Section 138 of the Negotiable Instruments Act.

13. Since the main petition has been disposed of no order needs to be passed in the pending application(s), if any,

(JASJIT SINGH BEDI)
JUDGE

20.02.2026
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No