

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

**CRR-1092-2025 (O&M)
Date of decision: 06.05.2026**

M/S RAM SARUP SUMIT KUMAR AND ANR.Petitioners

Versus

STATE OF HARYANA AND ANR.Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Gourav Jain, Advocate for the petitioners.

Mr. Armaan Dahiya, AAG Punjab.

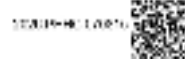
Mr. Mohan Singla, Advocate for the respondent No.2.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Petitioners have filed the instant revision petition for quashing of the impugned judgment of conviction and order of sentence dated 28.08.2024 passed by the learned Judicial Magistrate Ist Class, Tohana, Fatehabad whereby the petitioners have been convicted and sentenced to undergo rigorous imprisonment for a period of 01 year and to pay the compensation to the tune of Rs.7 lakhs to the complainant within 03 months for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') and also the judgment dated 04.03.2025, passed by learned Additional Sessions Judge, Fatehabad vide which the appeal of the petitioner against the aforesaid judgment of conviction and order of sentence dated 28.08.2024 has been dismissed.

2. Brief facts of the present case are that the petitioner issued cheque for an amount of Rs.4,66,228/- to discharge his legal liability in



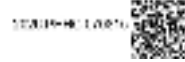
favour of respondent No.2-complainant and the said cheque was dishonored with remarks “funds insufficient”, which led to his conviction in the present case.

3. Learned counsel for the petitioner averred that after dismissal of the appeal filed by the petitioner, the petitioner has already paid the entire cheque amount by demand draft as full and final settlement. He further submits that the offence under Section 138 of the Negotiable Instruments Act is essentially a civil wrong given the colour of criminal offence and once the dispute has been amicably settled and the complainant has received the amount, the very foundation of the complaint ceases to exist.

4. During the pendency of the present revision petition, the petitioner has also filed an application under Section 359 of Bharatiya Nagarik Suraksha Sanhita, 2023 read with 528 of BNSS, 2023 seeking permission from this Court to compound the offence and to acquit him of the charges under Section 138 of Negotiable Instruments Act.

5. Learned counsel for the respondent-complainant submits that he has received the full and final payment in the shape of demand draft, and he has no objection, if the present application is allowed.

6. Learned counsel for the petitioners relies upon the judgment in the case of ***Tilak Kataria vs. State of Haryana and another, 2021 (3) RCR (Criminal) 404***, wherein, after considering various judgments of the Hon’ble Apex Court, it has been held that when the complainant does not have any objection, the proceedings should come to an end.

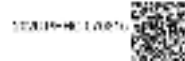


7. The Hon'ble Supreme Court in *A.T. Sivaperumal vs. Mohammed Hyath (D) by Lrs, 2017 (2) RCR (Criminal) 453, decided on 27.03.2017*, has held that once the settlement between the parties has been arrived at, the conviction can also be set aside and the litigation too. Similar view has been taken by a Coordinate Bench of this Court in the case of *Jagmohan Vs. Sandeep Aggarwal and another, 2021(4) RCR (Criminal) 86*.

8. Learned counsel for the petitioners and learned counsel for respondent No.2, are ad-idem and submits that as the matter stands compromised and the petitioners may be allowed and permission may be granted to the parties to compound the offence under Section 138 of the Act in view of the law laid down by the Hon'ble Supreme Court in *Damodar S. Prabhu vs. Sayed Babalal H, 2010 (2) RCR (Criminal) 851 and Sanjabij Tari versus Kishore S.Borcar, 2025 INSC 1158*; the impugned judgments and order passed by the learned trial Court and the learned Appellate Court may be set aside and the petitioners be acquitted of the charge(s).

9. I have heard learned counsel for the parties and perused the record.

10. In the present case, the cheque(s) amount is Rs.4,66,228/-. In view of the law laid down in *Sanjabij Tari's case (supra)*, compounding of the present offence can be allowed, provided the petitioners-accused pays 7.5% of the cheque amount by way of costs. On calculation, 7.5% of the cheque amount comes to be Rs.34,967/-. As noticed above, the parties have



settled the dispute, thus this Court grants permission to compound the offence punishable under section 138 of the Act.

11. In view of the above, the impugned judgment of conviction and order on quantum of sentence dated 28.08.2024 passed by the learned Judicial Magistrate Ist Class, Fatehabad and the judgment dated 04.03.2025, passed by learned Additional Sessions Judge, Fatehabad are set aside; the complaint under Section 138 of the Act stands dismissed and the petitioner stands acquitted of the charge(s), subject to his depositing the costs of Rs.34,967/- with the Haryana State Legal Services Authority, in view of the law laid down by the Hon'ble Supreme Court *Sanjabij Tari's case (supra)*, within 15 days from the receipt of the certified copy of this order. The present petition is allowed in the aforementioned terms.

12. The concerned jail authorities are directed to release the petitioners immediately, if not required in any other case.

13. Registry is directed to do the needful and ensure the compliance of this order as to depositing of amount by the petitioners.

14. Pending application(s), if any, stand disposed of in view of the abovesaid judgment.

06.05.2026

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

(RUPINDERJIT CHAHAL)
JUDGE

Yes/No
Yes/No