



CRR-2590-2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR-2590-2022 (O & M)**
Date of decision: 01.05.2026

CHANDERKESH

.... Petitioner

V/s

PARDEEP THAPAR

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDIPresent: Mr. Mohit Jaggi, Advocate
for the petitioner.Mr. Riff Birla, Advocate for
Mr. Shivam, Advocate
for the respondent.

JASJIT SINGH BEDI, J. (Oral)

The present revision petition has been filed against the judgment dated 22.09.2022 passed by the Additional Sessions Judge, Patiala vide which the appeal preferred by the accused-petitioner against the judgment of conviction and order of sentence dated 05.11.2019 passed by the Judicial Magistrate Ist Class, Patiala has been dismissed.

2. The brief facts of the case are that the accused-petitioner in order to discharge his liability, issued a cheque No.754102 dated 18.07.2017 for a sum of Rs.2,48,000/-. On presentation of the aforesaid cheque by the complainant, the same was returned unpaid being dishonoured vide memo dated 18.07.2017 with the remarks 'kindly contact drawer'. The accused-petitioner was served with the legal notice dated 21.07.2017 asking him to



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repay the amount but he failed to do so which led to initiation of proceedings under Section 138 of the Negotiable Instruments Act, 1881.

3. In the complaint under Section 138 of the Negotiable Instruments Act, 1881 filed by the complainant/respondent, the accused/petitioner was summoned to face trial under Section 138 of the Negotiable Instruments Act. The evidence was led and ultimately, the accused/petitioner was held guilty and accordingly, convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, and was sentenced to undergo simple imprisonment for a period of one year with compensation equivalent to remaining unpaid cheque amount i.e. 2,48,000/- along with simple interest @ 9% p.a. from the date of issuance of the cheque till the final realization of amount, and in default of payment of compensation, to further undergo simple imprisonment for a period of 03 months.

4. Aggrieved against the said judgment of conviction and order of sentence, the accused/petitioner preferred an appeal bearing Criminal Appeal No.864 of 2019 titled as 'Chanderkesh versus Pardeep Thapar'. The said appeal came to be dismissed vide a judgment dated 22.09.2022.

5. Still aggrieved, the present revision petition has been preferred by the accused-petitioner.

6. The learned counsel for the petitioner contends that during the pendency of the present petition, a compromise has been effected between the parties. Further, in compliance of the orders dated 08.07.2025 and 02.04.2026 cost of Rs.15,000/- has been deposited with the Member Secretary Punjab, State Legal Services Authority, Mohali. A copy of the



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receipt has been placed on record. He further contends that in view of Section 147 of the Negotiable Instruments Act read with Section 320 Cr.P.C. where a settlement has been effected, the offence under Section 138 of the Negotiable Instruments Act can be compounded on account of the fact that a mutual compromise has been effected between the parties.

7. The learned counsel for the complainant-respondent contends that as the matter has been settled between the parties, he has no objection if the prayer of the learned counsel for accused-petitioner for compounding the offence under Section 138 N.I. Act is allowed and the petitioner is acquitted of the charges framed against him.

8. I have heard the learned counsel for both the parties.

9. This Hon'ble Court in 'Ramesh Chander Vs. State of Haryana and another, 2007(1) RCR (Criminal) 245' held as under:-

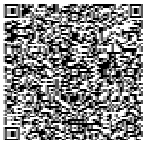
“4. As per the provisions of Section 147 of the Act, the offence under Section 138 is compoundable. Section 147 reads as under:

“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



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acquittal of the accused with whom the offence has been compounded.”

10. 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 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.

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 the judgment dated 22.09.2022 passed by the Additional Sessions Judge, Patiala is 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

May 01, 2026
Vishal

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No