

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

CRR-2385-2025 (O&M)
Date of decision: 27.03.2026

PARVINDER SINGH CHEEMA

....Petitioner

Versus

STATE OF PUNJAB AND ORS.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. ADS Sukhija, Sr. Advocate with
Mr. K.S. Lall, Advocate for the petitioner.

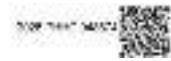
Mr. Vivek Sharma, AAG Punjab.

Ms. Simarpreet Sekhon, Advocate for the respondent-
complainant.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Applicant/petitioner-Parvinder Singh Cheema has filed the instant application/petition for quashing of the impugned judgment of conviction and order of sentence dated 27.07.2018, passed by the learned Addl. Chief Judicial Magistrate, SAS Nagar Mohali whereby he has been convicted and sentenced to undergo rigorous imprisonment for a period of 01 year and to pay fine of Rs.5000/- for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') to further undergo simple imprisonment for a period of 01 month in default of payment of fine as also the judgment dated 15.09.2025, passed by learned Additional Sessions Judge, SAS Nagar Mohali, vide which the appeal of the petitioner against the aforesaid judgment of conviction and order of sentence dated 27.07.2018 has been dismissed.



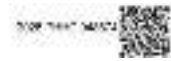
2. Brief facts of the present case are that the petitioner issued 03 cheques of different dates for an amount of Rs.70,000/- each to discharge his legal liability in favour of respondent No.2-complainant and the said cheques were dishonored with remarks “Payment stopped by drawer”, which led to his conviction 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 petitioner is a senior citizen of about 70 years of age and suffering from age related ailments. 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 147 of the Act, seeking permission from this Court to compound the offence and to acquit him of the charges under Section 138 of Negotiable Instruments Act.

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

7. Learned counsel for the petitioner 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.

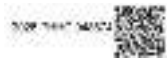


8. The Hon'ble Supreme Court in *A.T. Sivaperumal vs. Mohammed Hyath (D) by Lrs, 2017 (2) RCR (Criminal) 453, decided on 27.03.2017*, has held that once the settlement between the parties has been arrived at, the conviction can also be set aside and the litigation too. Similar view has been taken by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

9. Learned counsel for the petitioner and learned counsel for complainant, are ad-idem and submits that as the matter stands compromised and the petitioner 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 petitioner be acquitted of the charge(s).

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

11. In the present case, the cheque(s) amount is Rs.2,10,000/-. In view of the law laid down in *Sanjabij Tari's case (supra)*, compounding of the present offence can be allowed, provided the petitioner-accused pays 7.5% of the cheque amount by way of costs. On calculation, 7.5% of the cheque amount comes to be Rs.15,750/-. As noticed above, the parties have settled the dispute by way of compromise. Thus, this Court grants permission to compound the offence punishable under section 138 of the Act.



12. In view of the above, the impugned judgment of conviction and order on quantum of sentence dated 27.07.2018 passed by the learned Addl. Chief Judicial Magistrate SAS Nagar Mohali and the judgment dated 15.09.2025 passed by learned Additional Sessions Judge, SAS Nagar, Mohali 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. 15,750/- with the Punjab 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.

13. Registry is directed to ensure the compliance of this order as to depositing of amount by the petitioner.

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

27.03.2026
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(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No