



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRR-3072-2025
Date of Decision: 05.02.2026

YASH KUMAR Petitioner

Versus

STATE OF HARYANA AND ANOTHER Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aditya Grover, Advocate with
Ms. Diksha Kakkar, Advocate and
Mr. Aditya Grover, Advocate for the petitioner.

Mr. Shiva Khurmi, D.A.G., Haryana

Ms. Gagandeep Kaur, Advocate
for respondent No. 2.

ANOOP CHITKARA, J. (ORAL)

Criminal Complaint	CIS No. NACT 322 of 2020 CNR No. HRFT03-000868-2020 Date of Decision: 17.12.2024
Criminal Appeal before Appellate Court	CIS No : CRA 31-2025 CNR No. HRFT01-000294-2025 Date of Decision: 06.11.2025

1. The petitioner has come up before this Court challenging the judgment of conviction and order of sentence dated 17.12.2024 passed by the Court of learned Judicial Magistrate Ist Class, Fatehabad, affirmed vide judgment dated 06.11.2025 passed by learned Additional Sessions Judge, Fatehabad, whereby the petitioner was sentenced to undergo imprisonment for 08 months and pay compensation to the tune of Rs. 4,60,000/-.
2. Counsel for the petitioner submits that the matter stands compromised between the parties after dismissal of appeal from the Sessions Court on 23.01.2026. He also handed over the photocopy of the compromise, which is taken on record.
3. Ms. Gagandeep Kaur, Advocate has put in appearance on behalf of respondent No. 2 and file her power of attorney which is taken on record. She submits that the matter stands compromised between the parties and nothing is due towards the petitioner and she has



no objection if the petition is allowed and judgment of conviction and order of sentence passed by the trial Court affirmed by the first Appellate Court is set aside.

4. I have heard counsel for the parties and gone through the record.

5. The Hon'ble Supreme Court in *Meters and Instruments Private Limited and another Vs. Kanchan Mehta* (2018) 1 SCC 560 has held as under:-

“7. This Court has noted that the object of the statute was to facilitate smooth functioning of business transactions. The provision is necessary as in many transactions cheques were issued merely as a device to defraud the creditors. Dishonour of cheque causes incalculable loss, injury and inconvenience to the vide banking. Public Financial Institutions and Negotiable Instruments Laws (Amendment) Act, 1988 payee and credibility of business transactions suffers a setback. At the same time, it was also noted that nature of offence under Section [138](#) primarily related to a civil wrong and the 2002 amendment specifically made it compoundable.....

xxxx xxxx xxxx

18.2 The object of the provision being primarily compensatory, punitive element being mainly with the object of enforcing the compensatory element, compounding at the initial stage has to be encouraged but is not debarred at later stage subject to appropriate compensation as may be found acceptable to the parties or the Court.

18.3 Though compounding requires consent of both parties, even in absence of such consent, the Court, in the interests of justice, on being satisfied that the complainant has been duly compensated, can in its discretion close the proceedings and discharge the accused.”

6. Section 147 of Negotiable Instruments Act, 1881 permits the parties to compromise and there is no requirement to take permission of the Court for such compromise. Had the Legislature any intention to such condition then could have been clause similar to Section 359(2) of BNSS,2023 therefore, on the fact of it, Section 147 of Negotiable Instruments Act, 1881 is akin to Section 359 (1) of BNSS, where no permission of the Court is required.



7. Given the pronouncement and the fact of compromise, this Court is satisfied where this Court can set aside the well reasoned judgment of conviction and order of sentence, as such, judgment and order of sentence dated 17.12.2024 and judgment of First Appellate Court dated 06.11.2025 are set aside. Petitioner is acquitted of all the charges, bail bonds and surety bonds, if any stand forfeited.

Present petition stands allowed. All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.02.2026
Jyoti-II

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>