



116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.766 of 2025 (O&M)
Date of decision: 21.03.2025

Pawan Kumar Sharma and AnotherPetitioners

Versus

State of Punjab and AnotherRespondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Sandeep Chopra, Advocate for the applicant-petitioners.

H.S. GREWALJ.

CRM-11829-2025

The present application has been filed seeking condonation of delay of 244 days in filing the present revision.

Notice of the application.

Mr. Amandeep Singh Samra, AAG, Punjab, accepts notice on behalf of the respondent-State whereas Ms. Mandeep Kaur, Advocate accepts notice on behalf of respondent No.2 and states that they have no objection if the delay in filing the revision petition is condoned.

For the reasons given in the application, the same is allowed and the delay of 244 days in filing the present revision petition is hereby condoned.

CRM-11830-2025

The present application has been filed by the applicant-petitioner seeking exemption from surrendering before the trial Court.

Since the main case is decided, the applicant seeks to withdraw the present application.

The prayer so made is allowed.

Dismissed as withdrawn.

**CRM-11831-2025**

The present application has been filed by the applicant-petitioner seeking compounding of offence under Section 138 NI Act.

For the reasons given in the application, the same is allowed.

CRM-11832-2025

The present application has been filed by the applicant-petitioner seeking suspension of sentence during the pendency of the present revision petition.

Since the main case stands decided, learned counsel for the applicant-petitioner seeks to withdraw the present application.

The prayer so made is allowed.

Dismissed as withdrawn.

Main Case

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking setting aside of impugned order dated 12.12.2022 passed by the trial Court whereby the petitioner-accused was convicted under Section 138 of Negotiable Instruments Act, 1881 for rigorous imprisonment for a period of 01 year and to pay compensation to the tune of cheque amount i.e. Rs.3.00 lakhs alongwith interest @ 9% per annum from the date of issuance of cheque till the date of the said order and that of order dated 09.04.2024 passed by the learned Additional & Sessions Judge, Ferozpur affirming the order passed by the trial Court.

2. Learned counsel, for the petitioner prays that since the matter has been amicably settled between the parties, therefore, they may be permitted to compound the offence and further prays that by setting aside the judgments/orders



passed by the trial Court, the petitioner be ordered to be acquitted of the charges. He further submits that the parties have compromised the matter and in support thereof has placed a compromise deed dated 24.01.2025 (Annexure P-1) whereby the petitioner has paid the entire cheque amount of Rs.3.00 lakhs alongwith interest and costs to respondent No.2-complainant.

3. On the other hand, learned counsel for respondent No.2 does not refute the factum of compromise and further states that entire settled amount is already received by respondent No.2 and that he is having no objection if offence punishable under Section 138 NI Act is compounded and the petitioner is acquitted.

4. Similarly, learned State counsel has stated that he has no objection in case the FIR and the impugned order are quashed based upon the compromise.

5. The Apex Court in case titled as “*O.P. Dholakia vs. State of Haryana & Anr*”, (2000) 1 SCC 762 held that since the petitioner had already entered into a compromise with the complainant and the complainant had appeared through counsel and stated that the entire money had been received by him and he had no objection if the conviction already recorded under Section 138 of the Negotiable Instruments Act is set aside, the Hon'ble Judges thought it appropriate to grant permission, in the peculiar facts and circumstances of the case, to compound the offence. While doing so, the Apex Court also indicated that necessarily the conviction and sentence under Section 138 of the Act stood annulled.

6. It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. Moreover, offence punishable under Section 138 NI Act is a compoundable offence. In the given circumstances, permission is hereby given to the parties to compound the offence punishable under Section 138 NI Act.



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Consequently, the petitioner deserves to be acquitted of the offence punishable under Section 138 NI Act.

7. In view of the above, the present petition is **allowed** and the impugned judgments passed by the Courts below are set aside and the petitioner is acquitted of the offence punishable under Section 138 NI Act. In case the petitioner is not required by the police in any other case, he should be released immediately by the Jail Authorities concerned.

8. Needless to say that the parties shall remain bound by the terms and conditions of the compromise.

21st March, 2025

Sonia Puri

(H.S. GREWAL)
JUDGE

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