

**CRR-1230-2025(O&M)****1****117+286****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR-1230-2025 (O&M)****Decided on : 30.07.2025****Sarabjit Kaur @ Babbu****....PETITIONER****VERSUS****Balwant Singh****....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.**

Present: Mr. Kashish Garg, Advocate for the petitioner.

Mr. J.K Singla, Advocate for the respondent.

SANJAY VASHISTH, J (ORAL)**CRM-28965-2025**

Present application has been filed under Section 528 of BNSS, read with Section 482 Cr.P.C. for placing on record reply by way of short affidavit of respondent/complainant in response to the revision petition as well as application for compounding.

For the reasons enumerated in the application, same is allowed and the documents is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

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1. Present revision petition has been filed against the order dated 13.01.2020 passed by learned Judicial Magistrate First Class, Bathinda, whereby appeal filed against the judgment and order of



sentence dated 13.01.2020 passed by learned Judicial Magistrate First Class, Bathinda, convicting the petitioner for committing offence under Section 138 of the NI Act, sentenced to undergo rigorous imprisonment for a period of 01 year and to pay compensation amount of Rs.40,000/- i.e. the cheque amount alongwith interest 9% per annum, was dismissed.

2. During the pendency of the revision petition before this Court, dispute between the parties was amicably resolved, and thereupon, on 12.05.2025, following order was passed by this Court:-

“1. It is contended by counsel for the petitioner that vide judgment of conviction and order of sentence dated 13.01.2020, passed by Ld. JMJC, Bathinda, vide which, 'Sarabjit Kaur alias Babbu (petitioner herein), was ordered to undergo rigorous imprisonment for a period of one year along with compensation to the complainant 'Balwant Singh' (respondent herein) to the tune of cheque amount, i.e., Rs.40,000/- along with interest @ 9% per annum from the date of issuance of cheque in question. Thereafter, appeal filed by the petitioner, against the judgment of conviction and order of sentence dated 13.01.2020, before Ld. ASJ, Bathinda, was also dismissed, vide judgment dated 01.04.2025.

2. Counsel further submits that now the parties have settled their dispute, as the cheque amount has been paid back to the complainant/respondent - Balwant Singh, and accordingly, along with present criminal revision petition, one application, i.e., CRM-19244-2025, has also been filed for compounding offence u/s 138 of the Negotiable Instruments Act, 1881.

3. Notice of motion.

4. At this stage, Mr. J.K. Singla, Advocate, puts in appearance on behalf of the respondent and files his Vakatanama in Court today, which is taken on record. He also affirms the submissions made here-above by counsel for the



petitioner and also pleads no objection to the prayer made in the present revision petition.

A copy of the complete paper book has already been handed over to the learned counsel for the respondent in Court today.

5. *List again on 10.07.2025. ”*

3. Learned counsel for complainant has filed affidavit of respondent and submits that monetary dispute between the petitioner and respondent is now settled.

Counsel refers to paragraph No. 3 of the affidavit dated 19.07.2025, wherein, it has been categorically stated by the deponent that the disputed amount has been received by him and nothing remains due towards accused-Sarabjit Kaur @ Babbu. Counsel also submits that complainant has no objection, if the application for compounding of the offence is allowed and judgment dated 13.01.2020 is set aside.

For reference, paragraph Nos.2,3 and 4 of the affidavit dated 04.03.2025 are reproduced herebelow:

“1 .xxx

2. *That in the above said case, the deponent has affected a compromise with aforesaid Sarabjit Kaur @ Babbu with the intervention of Panchayat and respectable members. The financial condition of Sarabjit Kaur Babbu being very poor, despite multiple attempts, Sarabjit Kaur Babbu was unable to pay the amount and now Sarabjit Kaur @ Babbu's appeal having been dismissed, therefore, the Panchayat members and others came to the complainant with the request for settling the matter saying that the amount is to be paid by them and that Sarabjit Kaur @ Babbu is not in a position to pay, therefore, considering the financial condition of Sarabjit Kaur @ Babbu and her husband being the sole breadwinner and further in due regard to*



the Panchayat members, the deponent has agreed to accept the cheque amount only i.e. Rs. 40,000/- as full and final settlement.

3. *That in furtherance of compromise, the deponent has received the entire amount of Rs. 40,000/- and nothing is due against Sarabjit Kaur @ Babbu.*

4. *That the deponent has no objection if the offence under section 138 of The Negotiable Instruments Act is compounded and Sarabjit Kaur @ Babbu is acquitted.*

5. *That the accused Sarabjit Kaur @ Babbu has filed CRR No. 1230 of 2025 titled as Sarabjit Kaur @ Babbu versus Balwant Singh before the Hon'ble Punjab and Haryana High Court and along with the revision petition has also filed application under Section 147 of The Negotiable Instruments Act seeking compounding of the offence.*

I, the deponent has gone through the contents of the same and the same was even read over and explained to me in vernacular Punjabi and Hindi. I, the deponent admit the factum of compromise dated 02.05.2025 (Annexure P-1) as well as the contents of my Affidavit dated 02.05.2025 (Annexure P-2) on file

6. xxx

7. xxx

8. xxx”

4 Reliance is placed upon the Full Bench of this Court in

Kulwinder Singh and others v. State of Punjab and another, 2007 (3)

RCR (Criminal) 1052, has observed as under:-

“(28) *To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice”.*

(29) *In Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and others, Hon'ble Krishna Iyer, J. aptly summoned up the essence of compromise in the following words:*



“The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion.”

(30) *The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.*

(31) *No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C.*

(32) *The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.*

(33) *The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.*

(34) *The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debita Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or*



exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

5. In this regard, counsel for the petitioner has also placed reliance on the judgment(s) of:

- i) Hon’ble the Supreme Court rendered in the cases of **Narinder Singh and others v. State of Punjab and another**, (2014) 6 SCC 466; and **Ramgopal and another v. The State of Madhya Pradesh**, 2021 SCC Online SC 834;
- ii) a Division Bench judgment of this Court in the case of **Sube Singh and another v. State of Haryana and another**, 2013 (4) RCR (Criminal) 102; and
- iii) a recent judgment passed by this Court in the case of **Lakhbir Singh v. State of Punjab and another** (CRA-S2065-SB-2007, decided on 14.02.2023 : Law Finder Doc ID #2138925).

6. Thus, on the basis of cited judgments counsel submits that in view of the compromise/settlement arrived at between the parties; by

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compounding the offence, proceedings can be quashed for the offence in question.

7. Since, the dispute has already been resolved, the offence under Section 138 of the Negotiable Instruments Act, is ordered to be compounded. Thus, CRM-19244-2025 in CRR-1230-2025, is allowed, and resultantly, the judgment of conviction and order of sentence passed by the Court(s) below, is ordered to be considered inoperative and of no consequence for all intents and purposes.

8. Present revision petition stand disposed of, with the aforesaid observations.

9. Pending miscellaneous application(s), if any, shall stand disposed of.

(SANJAY VASHISTH)
JUDGE

30.07.2025
Rashmi

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