



**230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-45-2025 (O&M)

Date of Decision: 21.02.2025

Satbir

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jitender K. Sehrawat, Advocate, for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Gaurav Grover, Advocate, for respondent No.2.

Rajesh Bhardwaj, J.

1. Present revision petition has been filed by the petitioner impugning the order of conviction and sentence dated 14.07.2023 passed by learned JMIC, Fatehabad and order dated 10.12.2024 passed by learned Additional Sessions Judge, Fatehabad, whereby, appeal filed by the petitioner against the order dated 14.07.2023, was dismissed.

2. The case as enumerated from the facts is that a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act) was filed against the petitioner by respondent No.2 on the allegations of dishonouring of cheque No.020768 dated 01.07.2018 for an amount of Rs.2,26,000/- issued by the petitioner in discharge of his liability and the said complaint was accepted vide order dated 14.07.2023 by learned JMIC, Fatehabad, whereby the petitioner was sentenced to simple imprisonment of one year and the complainant was awarded compensation to the tune of Rs.2,40,000/-. Aggrieved by the conviction and sentence awarded by learned JMIC, Fatehabad the petitioner assailed the same by way of filing an appeal before the learned Appellate Court. Learned Appellate Court, finding no merit in the appeal, dismissed the same by upholding the



conviction and sentence of the petitioner vide its order dated 10.12.2024. Hence, the petitioner has approached this Court by way of filing the present revision petition challenging the above said orders.

3. Learned counsel for the petitioner has submitted that now the parties have settled the dispute and entire amount has been paid by the petitioner to the complainant-respondent and now nothing is due against him. He further submits that in view of the settlement effected between the parties, the petitioner be allowed to compound the offence and he be acquitted of the charges under Section 138 of the Act and the orders under challenge in the present revision petition be set aside. He has placed reliance on the law laid down by Hon'ble Supreme Court in **Raj Reddy Kallem vs. The State of Haryana and another**, Law Finder Doc Id# 2557645, wherein, it has been held that there is no bar to seek the compounding of the offence at later stage of criminal proceedings including after conviction. He has further submitted that the petitioner being a poor person is unable to pay the compensation as per requirement of the judgment of Hon'ble Supreme Court in **Damodar S. Prabhu vs. Sayad Babalal H. 2010(2) RCR (CrI.) 851**. Thus, he prays for dispensing with the condition of depositing of 15% of the compensation amount keeping in view the poor financial condition of the petitioner.

4. Learned counsel for respondent No.2 has affirmed the contentions raised by learned counsel for the petitioner with regard to the settlement and has submitted that complainant-respondent has no objection, if the present petition is allowed and the orders under challenge are set aside/quashed.



5. Heard. As the parties have compromised the matter and have buried the hatchet, no purpose would be served by punishing the petitioner, who has already honoured the terms of the compromise, which fact has been affirmed by learned counsel for respondent-complainant. In **Raj Reddy Kallem's** case (supra), it has been held that the accused must try for compounding of the offence at the initial stages instead of later stages, however, there is no bar to seek the compounding of offence at later stage of criminal proceedings including after conviction.

6. So keeping in view above facts and the law settled by Hon'ble Supreme Court, the petitioner is allowed to compound the offence and he is ordered to be acquitted of the charges framed against him. As a consequences, the order dated 10.12.2024 passed by learned Additional Sessions Judge, Fatehabad and order dated 14.07.2023 passed by JMIC, Fatehabad, convicting and sentencing the petitioner under Section 138 of the NI Act, are set aside subject to payment of Rs.10,000/- as costs to be paid to Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28-A, Chandigarh by the petitioner within period of one month from today.

7. Taking into consideration the contention raised by learned counsel for the petitioner regarding poor financial condition of the petitioner, this Court deems it appropriate to dispense with the condition of deposit of 15% of the cheque amount as compensation by the petitioner and he is allowed to compound the offence. Hence, the petitioner is directed to deposit the costs as mentioned above.

8. Revision petition is allowed in above terms and the pending applications, if any are also disposed of.



9. Needless to say that in case the petitioner fails to deposit the amount of costs as directed above, this order would be of no avail to him and the orders dated 10.12.2024 and 14.07.2023 will come in force and the present petition shall be deemed to have been dismissed.

21.02.2025
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No