

2025:PHHC:091046



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

**CRR 1467 of 2025 (O&M)
Date of Decision: 18.07.2025**

Des Raj Mistri ...Petitioner

Vs.

Gurdev Singh ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. L.S. Sidhu, Advocate, for the applicant/petitioner.
Mr. Daljinder Singh, Advocate, for the respondent.

N.S.SHEKHAWAT, J. (Oral)

1. The present revision petition has been preferred against the impugned judgment dated 21.09.2023 passed by the Court of Additional Sessions Judge, Moga, whereby, the judgment of conviction and order of sentence dated 08.02.2023 passed by the Court of Judicial Magistrate 1st Class, Moga were ordered to be upheld and the appeal filed by the present petitioner was ordered to be dismissed.

2. During the pendency of the present revision petition, the petitioner has moved an application (CRM 23082 of 2025) under Section 528 of BNSS read with Section 147 of the Negotiable Instruments Act 1881 read with Section 359 of BNSS with a prayer to allow the petitioner to compound the offence in view the compromise deed dated 12.05.2025 (Annexure P-1).

3. Learned counsel for the petitioner contends that both the parties have amicably resolved all the disputes and the petitioner has made all the payments to the respondent.

4. On the other hand, learned counsel appearing on behalf of the respondent has placed on record the affidavit of Gurdev Singh, respondent and the same is taken on record. Even, the learned counsel for the respondent has admitted the factum of compromise and submits that he has no objection in case the present petition is allowed and the petitioner is ordered to be acquitted by this Court as the parties have compromised the matter.

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

6. Learned counsel for the petitioner by relying upon **Cochin Hotels Co.(P) Ltd. and others Vs. Kairali Granites and others, 2006(2) RCR (Criminal) 333 and K. Subramanian Vs. R. Rajathi represented by POAP Kaliappan, 2010 (1) RCR (Criminal) 184** contended that even after finalization of judgment of conviction and order of sentence, petitioner can resort to compounding mechanism in terms of Section 147 of Negotiable Instruments Act as the offence related to dishonouring of cheque is having compensatory profile and it should be given precedence over punitive mechanism. Offence is almost a civil wrong which has been clothed in a criminal overtone, therefore, the priority should be given to compensatory mechanism

7. Learned counsel also relied upon **Damodar S. Prabhu vs. Sayed Babalal H.(supra) Kaushalya Devi Massand vs. Roopkishore, 2011(2) RCR (Criminal) 298** and contended that the compromise in question would definitely go in long way to strengthen the mutual relationship between the parties and would serve as an ever lasting tool in their favour. This exercise would be in consonance with the spirit of Section 147 of the Negotiable Instruments Act as endorsed in **Damodar S. Prabhu's case (supra)**.

8. For the reasons recorded hereinabove, I deem it appropriate to dispose of the present revision petition in terms of compromise consequently the impugned orders are set aside.

9. So far as 15% of the cheque amount in terms of ratio of **Damodar S. Prabhu's case (supra)** is concerned, I am of the view that Section 147 of the Negotiable Instruments Act does not contain any guideline or procedure for proceeding with the compounding of the offences. Since scheme under Section 320 Cr.P.C cannot be followed in stricto sensu, therefore, Hon'ble Apex Court has also clarified that in order to discourage chronic litigants from delaying the composition of the offence under Section 138 of the Act, the scheme for imposing costs is considered to be a valid means to encourage compounding at the earliest. Valuable time of the Court is also involved in the trial of the cases and the parties are not liable to pay any Court fee in such proceedings, even though the impact of the

offence is largely confined to the private parties. The imposition of costs would be a matter of discretion of the Court.

10. In view of the fact that the parties have resolved their differences and have compromised the matter and also the fact that the petitioner is a poor person and had recently met with an accident and is still hospitalized, I am of the view that 15% of the cheque amount towards cost(s) of litigation can be waived off in the interest of justice.

11. For the reasons recorded hereinabove, I deem it appropriate to dispose of the present revision petition in terms of compromise. Consequently, the impugned judgment dated 21.09.2023 passed by the Court of Additional Sessions Judge, Moga and the judgment of conviction and order of sentence dated 08.02.2023 passed by the Court of Judicial Magistrate 1st Class, Moga are set aside and the parties are allowed to compound the offence in terms of Section 147 of the Act and petitioner is ordered to be acquitted of the notice of accusation.

12. All pending applications, if any, are disposed off, accordingly.

18.07.2025

(N.S.SHEKHAWAT)

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JUDGE

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