**(144)**

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

**CRR-1871-2018 (O&M)**
**Date of Decision: 10.09.2026**

**GEETA RANI**

**... Petitioner**

**Versus**

**DHIAN SINGH**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. J.S. Chahal, Advocate and
Ms. Jasleen Chahal, Amicus Curiae
for the petitioner.

Mr. Naveen Gupta, Advocate
for the respondent.

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**JASJIT SINGH BEDI, J (Oral)**

The present revision petition has been filed against the judgment dated 14.05.2018 passed by the Additional Sessions Judge, Ambala, vide which the appeal preferred by the petitioner against the judgment of conviction dated 16.11.2016 and order of sentence dated 18.11.2016 passed by the Judicial Magistrate 1st Class, Ambala, has been dismissed.

2. The brief facts of the case are that in discharge of her legal liability, the petitioner/accused issued three cheques bearing No.287136 for an amount of Rs.5,00,000/-, No.287134 dated 20.08.2015 for an amount of Rs.3,00,000/- and No.287126 for an amount of Rs.6,80,000/- in favour of the complainant which came to be dishonoured. Pursuant thereto, the accused came to be summoned under the provisions of the 138 of the Negotiable Instruments Act, 1881.

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3. Thereafter, the learned Trial Court has acquitted the petitioner qua cheque amounting to Rs.5,00,000/- and 3,00,000/- and convicted and sentenced the petitioner vide impugned order dated 16/18.11.2016 for six months qua cheque amounting to Rs.6,80,000/- and directed to pay Rs.10,20,000/- i.e. 1.5 times of the cheque amount to the complainant.

4. Aggrieved against the said judgment of conviction and order of sentence, the accused preferred an appeal before the Additional Sessions Judge, Ambala. However, at that stage, a compromise was arrived at for a sum of Rs.8,00,000/-. As only a part of the said amount was paid, the appeal came to be dismissed vide judgment dated 14.05.2018 passed by the Additional Sessions Judge, Ambala.

5. Still aggrieved, the present revision petition has been preferred by the accused. During the pendency of the present criminal revision petition, the entire amount of Rs.8,00,000/- as per the compromise stands paid as is apparent from the order dated 28.08.2018. It would be relevant to mention here that a combined reading of Section 147 of the Negotiable Instruments Act alongwith Section 320 Cr.P.C. would establish that where a settlement has been effected, the offence under Section 138 of the Negotiable Instruments Act can be compounded on account of the fact that a mutual compromise has been effected between the parties.

6. The learned counsel for the complainant has accepted the factum of the compromise but contends that the offence ought not be compounded as the settled amount of Rs.8,00,000/- was not paid during the pendency of the appeal but only during the pendency of the revision petition.

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7. I have heard the learned counsel for the parties.

8. This Court in 'Ramesh Chander Vs. State of Haryana and another, 2007(1) RCR (Criminal) 245' held as under:-

> *"4. As per the provisions of Section 147 of the Act, the offence under Section 138 is compoundable. Section 147 reads as under:-*
>
> *"Offence to be compoundable-*
>
> *Notwithstanding anything contained in the Criminal Procedure Code, 1973(2 of 1974), every offence punishable under this Act shall be compoundable".*
>
> *5. The compounding of the offence under Section 138 can be done during the trial of the case as well as by the High Court or Court of Session while acting in the exercise of its power of revision under Section 401 Criminal Procedure Code Reference may be made to Section 320(6) Criminal Procedure Code in this regard.*
>
> *6. Further, under Section 320(8) Criminal Procedure Code the composition of an offence shall have the effect of acquittal of the accused with whom the offence has been compounded."*

9. This Court in 'Vatsa Electronics Vs. Pala Ram & Anr. decided on 09.03.2022 in CRR-1585-2019' has also held that once a settlement is being effected, then in terms of Section 147 of the Negotiable Instruments Act and Section 320 Cr.P.C., the accused ought to be acquitted as the offence stands compounded.

10. The admitted position is that the matter stands settled and the compromise/settlement between the parties dated 21.09.2017 is already on record. Instead of making a payment during the pendency of the appeal, the

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same has been made during the pendency of this petition. Merely because there is some delay in making the payment as per the settlement/compromise would not lead to the rescinding of the same.

11. Accordingly, the revision petition is allowed and subject to payment of Rs.25,000/- as costs to be deposited with the Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector-15 Chandigarh, Punjab National Bank, Account No.0537010195720, IFSC Code PUNB0008700, Mobile Number 9417936390, the judgment dated 14.05.2018 passed by the Additional Sessions Judge, Ambala as well as the judgment of conviction dated 16.11.2016 and order of sentence dated 18.11.2016 passed by the Judicial Magistrate 1st Class, Ambala, are hereby set aside. The petitioner is acquitted of the charge under Section 138 of the Negotiable Instruments Act.

12. Since the main petition has been disposed of no order needs to be passed in the pending application(s), if any.

**(JASJIT SINGH BEDI)**
**JUDGE**

**10.09.2026**
**Vishal**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No

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