

CRR-572-2025 (O & M)

2025:PHHC:105875



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-572-2025 (O & M)
Date of decision: 13.08.2025

Tejpal Yadav

.... Petitioner

V/s

State of Haryana and anr.

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Abhimanyu Singh, Advocate,
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. Sanjeev Majra, Advocate,
for the complainant-respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The present revision petition has been filed against the judgment dated 28.01.2025 passed by the Additional Sessions Judge, Gururgram vide which the appeal preferred by the accused-petitioner against the judgment of conviction and order of sentence dated 15/16.10.2019 passed by the Judicial Magistrate Ist Class, Gurugram has been dismissed.

2. The brief facts of the case are that the accused-petitioner-Tejpal Yadav had availed a friendly loan for a sum of Rs.2,50,000/- from the complainant/respondent No.2-O.P. Sharma. In discharge of his legal liabilities to repay the aforesaid loan amount, the accused-petitioner issued a cheque bearing No.011013 dated 20.03.2017 for a sum of Rs.2,50,000/- drawn on Central bank of India, Silani Gate, Jhajjar, Haryana in favour of the complainant-respondent No.2. On presentation of the aforesaid cheque,



the same was dishonoured with the remarks ‘ funds insufficient’ vide a bank return memo dated 10.04.2017. The accused/petitioner was served with a legal notice dated 08.05.2017 for the repayment of the aforesaid amount but he failed to make the payment within the stipulated period of 15 days, leading to initiation of proceedings under Section 138 of the Negotiable Instruments Act, 1881.

3. In the complaint under Section 138 of the Negotiable Instruments Act, 1881 filed by the complainant/respondent No.2, the accused/petitioner was summoned to face trial. The evidence was led and ultimately, the accused/petitioner was held guilty and accordingly, convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, and was sentenced to undergo simple imprisonment for a period of 02 months and to pay a compensation of Rs.3,10,000/- in terms of Section 357(3) Cr.P.C. to be paid on the expiry of period of appeal/revision or on disposal of the appeal/revision as the case may be.

4. Aggrieved against the said judgment of conviction and order of sentence, the accused/petitioner preferred an appeal before the Additional Sessions Judge, Gurugram, which came to be dismissed on 28.01.2025.

5. Still aggrieved, the present revision petition has been preferred by the petitioner.

6. At the very outset, the learned counsel for the petitioner contends that a connected petition bearing CRR No.685 of 2025 titled as ‘Tejpal Yadav versus State of Haryana and another’ has been filed on account of dishonour of cheque bearing No.0060355 dated 25.03.2017 for a sum of Rs.2,60,000/- issued in favour of the complainant-Munni Devi (respondent No.2 therein) who is stated to be the wife of O.P. Sharma i.e.



complainant/respondent No.2 in this case. He further contends that the accused-petitioner has effected a settlement with both the complainants-respondent No.2 in their respective cases for a total sum of Rs.5,70,000/- to be paid to both the complainants jointly against the total amount of Rs.5,70,000/- (i.e. Rs.2,60,000/- + Rs.3,10,000/-) as directed by the Trial Court vide judgment dated 15/16.10.2019 in both the complaints. He submits that 20% of Rs.5,70,000/- (Rs.1,14,000/-) has already been deposited with the Sessions Court and has been withdrawn by the complainants-respondent No.2. Further, as mentioned in the order dated 12.08.2025, two separate demand drafts amounting to Rs.1,88,000/- and Rs.2,08,000/- (totalling Rs.3,96,000/-) have been handed over to the learned counsel for the complainants. The remaining amount of Rs.60,000/- has been paid by way of a demand draft bearing No.38851 dated 12.08.2025 which is handed over to the learned counsel for the respondent as a full and final settlement. A copy thereof is taken on record as Mark 'A'. Therefore, nothing remains due towards the complainant-respondent No.2. He further contends that in view of Section 147 of the Negotiable Instruments Act read with Section 320 Cr.P.C. 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.

7. The learned counsel for the complainant-respondent No.2/O.P. Sharma and the learned counsel for the respondent No.1-State contend that as the matter has been settled between the parties, they have no objection if the prayer of the learned counsel for accused-petitioner for compounding the



offence under Section 138 N.I. Act is allowed and the petitioner is acquitted of the charges framed against him.

8. I have heard the learned counsel for both the parties.

9. This Hon'ble 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.”

10. 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.



11. In view of the above, since, the parties have voluntarily settled the disputes between themselves, it is a fit case for allowing them to compound the offence.

12. Accordingly, the revision petition is allowed and subject to payment of Rs.20,000/- as costs to be deposited with Spinal Rehab Centre, Chandigarh Plot No.1, Madhya Marg, Sector 28-A, Chandigarh, 0172-4610311, the judgment dated 28.01.2025 passed by the Additional Sessions Judge, Gurugram as well as the judgment of conviction and order of sentence dated 15/16.10.2019 passed by the Judicial Magistrate Ist Class, Gurugram are hereby set aside. The petitioner-Tejpal Yadav is acquitted of the charge under Section 138 of the Negotiable Instruments Act.

13. 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**

August 13, 2025
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No