



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

205

CRR-1726-2008 (O&M)
Date of Decision:- 20.07.2026

Inderjit Kaur

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present:- Mr. Aditya Sanghi, Advocate and
Mr. Pradeep Bhardwaj, Advocate for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

Mr. Amandeep Singh, Advocate,
for applicant/respondent No.2 with
Shri Tajinder Singh, Special Power of Attorney,
of respondent No.2/complainant.

DEEPAK MANCHANDA, J. (Oral)

CRM-29637-2025

By way of filing the instant application, applicant/respondent No.2 seeks cancellation of suspension of sentence as granted by this Court vide order dated 04.11.2008 to the non-applicant/petitioner as the non-applicant/petitioner has not paid the remaining amount of installment to applicant/respondent No.2 as stated by the non-applicant/petitioner on 26.08.2015.

Learned counsel for the non-applicant/petitioner submitted that the matter has been amicably resolved between the parties and the non-



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applicant/petitioner is ready to pay the remaining amount to the applicant/respondent No.2.

Learned counsel for applicant/respondent No.2 has endorsed the factum of compromise. He has also apprised this Court that he has no objection in case the non-applicant/petitioner is acquitted of the charges framed against her.

In view of the aforestated position, the main petition i.e. CRR-1726-2008, which stands admitted vide order dated 03.09.2008 is preponed and is taken on board today.

The present application stands disposed of accordingly.

CRR-1726-2008 (Main case)

1. The instant revision petition has been filed assailing judgment dated 22.08.2008 passed by the Additional Sessions Judge (Adhoc), Fast Track Court, Ludhiana, whereby the appeal of the petitioner has been dismissed wherein the judgment of conviction and order of sentence dated 04.07.2007 passed by the Judicial Magistrate 1st Class, Ludhiana were challenged.

2. The brief facts of the present case are that the complainant – Inderjit Kaur appointed Tajinder Singh as her Special Attorney by executing a Power of Attorney dated 02.07.2005. Being duly authorized and well acquainted with the facts of the case, Tajinder Singh instituted the present complaint on her behalf. It is alleged that the accused had borrowed a sum of ₹1,20,000/- from the complainant and assured that the said amount would be repaid on demand. Despite repeated requests by the complainant for



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repayment, the accused failed to discharge the liability. Thereafter, in acknowledgment and discharge of the legally enforceable debt, the accused issued Cheque No.811382 dated 30.04.2005 for an amount of ₹1,20,000/-, drawn on Punjab National Bank, Brown Road Branch, Ludhiana. The complainant presented the said cheque through her banker, Punjab & Sind Bank, Kalgidhar Road, Ludhiana, for encashment. However, the cheque was returned unpaid by the bank vide return memo dated 13.05.2005 with the remarks "Funds Insufficient". Upon receipt of the dishonoured cheque and the return memo, the complainant served a legal notice dated 07.06.2005 upon the accused to make payment of the cheque amount within the statutory period. Despite service of the legal notice, the accused failed to make payment of the cheque amount within the prescribed period. Consequently, alleging commission of an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, the complainant instituted the present complaint before the competent Court.

3. Vide judgment dated 04.07.2007 the petitioner was sentenced to undergo rigorous imprisonment for a period of one year under Section 138 of the Negotiable Instruments Act, 1881 (for short '*the Act*') and to pay fine of Rs.5,000/- and subsequently vide judgment dated 22.08.2008 passed by the Additional Sessions Judge (Adhoc), Fast Track Court, Ludhiana the appeal of the petitioner against the aforesaid judgment of conviction and order of sentence dated 04.07.2007 has been dismissed.

4. Feeling aggrieved, petitioner has filed the instant revision petition with a prayer that both the aforesaid judgments passed by the Courts below be set aside and the petitioner may be acquitted of the charges levelled against her.



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5. Learned counsel for the petitioner submits that during the pendency of proceedings, the petitioner and respondent No.2/complainant have entered into a compromise. Learned counsel for the petitioner has today handed over a bank draft of remaining amount of Rs.1.60 lakhs out of the settled amount of Rs.1.90 lakhs favouring respondent No.2/complainant and the same has been accepted by Shri Tajinder Singh, Special Power of Attorney of respondent No.2/complainant, who is present in person. A photocopy of aforesaid draft has been furnished to this Court, which is taken on record.

6. Learned counsel for the petitioner further submits that though there is no application for compounding the offence, however, he prays that since the parties have amicably settled their dispute, the matter may be compounded and the petitioner be acquitted in view of the judgment of the Hon'ble Supreme Court passed in ***Damodar S.Prabhu Vs. Sayed Babalal H., 2010 (2) Crimes 233.***

7. On the other hand, learned counsel appearing on behalf of respondent No.2/complainant admits the factum of compromise having been arrived at between the parties and submits that he has no objection in case the offence is permitted to be compounded and the petitioner is ordered to be acquitted.

8. I have heard learned counsel for the parties and have gone through the material available on record.

9. The Hon'ble Supreme Court in **Ramgopal and another vs. State of Madhya Pradesh, 2021(4) RCR (Criminal) 322**, has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed



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under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully covered in consonance of judgments and directions issued by the Court in **Kulwinder Singh and others vs. State of Punjab, 2007(3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another, 2012(4) RCR (Crl.) 543**.

10. The Hon'ble Supreme Court in **A.T.Sivaperumal vs. Mohammed Hyath (D) by LRs, decided on 27.03.2017**, has held that once the settlement between the parties has been arrived at, the conviction can also be set aside and the litigation too. Similar view has been taken by a Coordinate Bench of this Court in the case of **Jagmohan Vs. Sandeep Aggarwal and another, 2021(4) RCR (Criminal) 86**.

11. A perusal of the record reveals that the matter has been amicably settled between the petitioner and respondent No.2/complainant, therefore, the impugned judgment of conviction and order of sentence dated 04.07.2007 passed by the Judicial Magistrate, 1st Class, Ludhiana, and the judgment dated 22.08.2008 passed by the Additional Sessions Judge (Adhoc), Fast Track Court, Ludhiana are set aside; the complaint under Section 138 of the Act stands dismissed and the petitioner is acquitted of the charge in view of the fact that the petitioner has already paid the agreed amount of Rs.1,90,000/- to the complainant.

12. The present petition is allowed in the aforementioned terms.

13. Needless to say that the parties shall remain bound by the terms and conditions of the compromise.

14. Pending application(s), if any, stand disposed of in view of the above-said judgment. Copy of this order be forwarded to the trial Court to ensure compliance.



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15. Revision petition is disposed of in the aforesaid terms.
16. Since the main case is disposed of, pending application(s), if any, shall also stand disposed of.

20.07.2026

Pankaj

(DEEPAK MANCHANDA)
JUDGE

Whether speaking /reasoned Yes/No

Whether Reportable Yes/No