

**IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA****Cr. Revision No.411 of 2024****Date of Decision: 28.11.2025**

Rajesh

...Petitioner

Versus

Rakesh Chauhan

.....Respondent

*Coram:****The Hon'ble Mr. Justice Virender Singh, Judge.******Whether approved for reporting?¹***

For the Petitioner : Petitioner in person with Mr. Ajay Chauhan and Kunal Thakur, Advocates.

For the Respondent : Respondent in person with Mr. Somesh Sharma, Advocate.

Virender Singh, Judge (Oral)

Petitioner-Rajesh has filed the present Criminal Revision against the judgment dated 29.02.2024, passed by the Court of learned Sessions Judge, Sirmaur, District at Nahan, H.P., (hereinafter referred to as the 'Appellate Court'), in Criminal Appeal bearing No.97-Cr.A./10 of 2022, titled as 'Rajesh versus Rakesh Chauhan'.

2. By way of judgment dated 29.02.2024, the learned Appellate Court has dismissed the appeal, filed by the petitioner, against the judgment of conviction and order of sentence dated 02.07.2022, passed by the Court of learned Judicial Magistrate

¹ Whether reporters of Local Papers may be allowed to see the judgment?



First Class Rajgarh, District Sirmaur, H.P., (hereinafter called as the 'trial Court'), in Comp.138 N.I. Act No. 96/2019, titled as 'Rakesh Chauhan versus Rajesh'.

3. Vide judgment of conviction and order of sentence dated 02.07.2022, the learned trial Court has convicted the petitioner, for the offence, punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as the 'NI Act') and sentenced him to undergo simple imprisonment, for a period of six months and to pay a compensation of Rs.2,25,000/- to the complainant.

4. After dismissal of the appeal by the learned Appellate Court, the present revision petition has been preferred.

5. During the pendency of the present petition, the parties have settled the matter. Thereafter, the petitioner has filed application bearing Cr.MP No.5252 of 2025, for permitting the parties to compound the offence, on the ground that the matter has been settled between them.

6. Statements of the petitioner, as well as, respondent, have been recorded, in which, they both have deposed that the dispute with regard to Cheque No.974254, dated 22.04.2019, has been settled between the parties.



7. Today, the accused (petitioner) is present before this Court. He has deposed that he has been convicted and sentenced by the learned trial Court, judgment of conviction and order of sentence dated 02.07.2022.

8. Against the said judgment of conviction and order of sentence, the petitioner had filed the appeal before the learned Appellate Court and the learned Appellate Court has also dismissed his appeal. Now, he is before this Court, in the present revision petition.

9. In addition to this, the accused (petitioner) has also submitted that during the pendency of the revision petition, the matter has been compromised between him and the complainant. He has also deposed that he has deposited a sum of Rs.45,000/-, before the learned trial Court and he has no objection, in case, the said amount is released in favour of the respondent-complainant.

10. The petitioner-accused has also deposed that on the basis of the said compromise, the present petition may kindly be allowed, by setting aside the judgment of conviction and order of sentence, referred to above, and he may kindly be acquitted of the charge.

11. Respondent is also present, in the Court and he has made the similar statement. He has deposed that he has no



objection, in case, the present petition is allowed and the accused is acquitted by setting aside the judgment of conviction and order of sentence dated 02.07.2022.

12. On the basis of the above statements, one thing is clear that the matter has been settled between the parties and in pursuance of the said settlement, complainant has received the remaining settled amount from the petitioner-accused.

13. According to the respondent-complainant, the dispute with regard to Cheque No.974254 dated 22.04.2019, has been settled between the parties.

14. Since, the matter, with regard to cheque, in question, has been settled between the parties, as such, the application, bearing Cr.MP No.5252 of 2025, is allowed and the parties are permitted to compound the offence.

15. Considering the fact that the application for compounding of the offence has been allowed, the present petition is allowed and the judgment of conviction and order of sentence dated 02.07.2022, passed by learned trial Court in Comp. 138 NI Act No. 96 of 2019, which has been affirmed by learned Appellate Court, in Criminal Appeal No. 97/2022, vide judgment dated 29.02.2024, are set aside and the petitioner is acquitted from the



offence, punishable under Section 138 NI Act. His personal and surety bonds are discharged.

16. However, this order is subject to deposit 7.5% of the cheque amount, as compounding fee, within ten weeks from today. 50% of the compounding fee be deposited with the Member Secretary, H.P. State Legal Services Authority, Shimla, and remaining 50% with the 'H.P. High Court Staff Welfare Association'.

17. It is further clarified that if the petitioner fails to deposit the compounding fee, as ordered by this Court, within ten weeks, then, the present petition shall be deemed to have been dismissed, by reviving the judgment of conviction and order of sentence dated 02.07.2022, passed by learned trial Court and in that eventuality, he shall surrender before the learned trial Court to undergo the substantive sentence, imposed upon him, by the learned trial Court.

18. The amount deposited by the petitioner-accused, before the learned trial Court, is ordered to be released in favour of the respondent-complainant.

19. Pending miscellaneous applications, if any, shall also stand disposed of.

(Virender Singh)
Judge

November 28, 2025 (subhash)