



Learned counsel for the parties submit that during the pendency of this appeal the appellant and the complainant have entered into a settlement. As per the compromise arrived at between the parties, the appellant has agreed to pay to the complainant a sum of Rs.3,18,000/- (the cheque amount). Accordingly, an application for compounding of offence under Section 138 of the Negotiable Instruments Act, 1881, (for short, "the Act") under which the appellant herein stands convicted and sentenced to undergo simple imprisonment for a period of six months with fine of Rs. 5,000/-, has been filed. It is stated in the application that the appellant has already paid the said amount to the complainant, receipt whereof is acknowledged by counsel for the complainant.

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Pursuant to the notice issued, learned counsel for the State has appeared and states that she has no objection to the offence being compounded.

Heard learned counsel for the parties. We are of the view that having regard to the nature of the offence, which is compoundable under Section 147 of the Act, there is no impediment in accepting the prayer made by the parties in the application. Accordingly, the impugned order, convicting the appellant for offence under Section 138 of the Act is set aside and the complaint filed by the complainant is disposed of in terms of the afore-mentioned settlement.

The appeal stands disposed of accordingly.

.....J.  
[ D.K. JAIN ]

.....J.  
[ T.S. THAKUR ]

NEW DELHI,  
JANUARY 25, 2010.