

(2025) 12 JH CK 1883

In the Jharkhand High Court

Case No : Criminal Revision Filing No. 22941 of 2024

Anil Mahto @ Anil Kumar Mahto @ Anil Mahato

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 16-12-2025

Acts Referred:

Constitution of India, 1950 — Article 142
Negotiable Instrument Act, 1881 — Section 138, 147

Citation : (2025) 12 JH CK 1883

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Aditya Kumar Jha, Satish Kumar Keshri, Ashutosh Ranjan Kumar

Final Decision : Allowed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard Mr. Aditya Kumar Jha, learned counsel appearing for the petitioner, Mr. Satish Kumar Keshri, learned counsel appearing for the State and Mr. Ashutosh Ranjan Kumar, learned counsel appearing for opposite party no.2.

2. Learned counsel appearing for the petitioner submits that this criminal revision petition has been filed against the judgment dated 16.07.2024 passed by the learned Additional Sessions Judge-IV, Bokaro in Criminal Appeal No.31 of 2023 affirming the judgment of conviction and the order of sentence, both dated 21.02.2023 passed by the learned Additional Chief Judicial Magistrate, Bermo at Tenughat in C.P. Case No.268 of 2021, whereby, the petitioner has been convicted under Section 138 of the Negotiable Instrument Act and he has been sentenced to undergo S.I. for one year and six months and to pay compensation of Rs.12,00,000/- to the complainant and in default of payment of fine, further direction is there to undergo S.I. for 30 days. He further submits that now a good sense has prevailed between the parties and both have compromised the matter and in light of the settlement, the amount to the tune of Rs.7,00,000/-

has been settled and the said amount has already been paid to the complainant by the petitioner. He next submits that the joint compromise petition has been filed in the form of I.A. No.9235 of 2024. He then submits that the said I.A. is filed on separate affidavit on behalf of both the sides. He submits that in view of that, this matter may kindly be disposed of.

3. Learned counsel appearing for the State submits that the matter is arising under Section 138 of the Negotiable Instrument Act.

4. Learned counsel appearing for the complainant/opposite party no.2 accepts the said submission of the learned counsel for the petitioner. He next submits that the compromise has taken place and sum of Rs.7,00,000/- has already been received by the complainant and the complainant does not want to proceed further in the matter. He submits that in view of that, this matter can be disposed of.

5. The matter is arising under Section 138 of the Negotiable Instrument Act, which is compoundable under Section 147 of the Negotiable Instrument Act and both the parties have compromised the matter.

6. When the parties have compromised the matter and the Court is satisfied regarding the genuineness of the settlement, the conviction of the accused would not serve any purpose and it is required to be set-aside. A Reference may be made to the judgment passed by the Hon'ble Supreme Court in the case of New Win Export and another v. A. Subramaniam, reported in 2024 SCC OnLine SC 1741. Paragraphs 6 and 7 of the said judgment read as under:

"6. At this juncture, we would also like to reiterate a few words regarding the principles of compounding of offences in the context of NI Act. It is to be remembered that dishonour of cheques is a regulatory offence which was made an offence only in view of public interest so that the reliability of these instruments can be ensured. A large number of cases involving dishonour of cheques are pending before courts which is a serious concern for our judicial system. Keeping in mind that the 'compensatory aspect' of remedy shall have priority over the 'punitive aspect', courts should encourage compounding of offences under the NI Act if parties are willing to do so. (See: Damodar S. Prabhu v. Sayed Babalal H. (2010) 5 SCC 6631, Gimpex Private Limited v. Manoj Goel (2022) 11 SCC 7052, Meters And Instruments Private Limited And Anr. v. Kanchan Mehta (2018) 1 SCC 5603)

7. In Raj Reddy Kallem v. The State of Haryana & Anr. [2024] 5 S.C.R 203, this Court followed the same principles and quashed a conviction under the NI Act, by invoking its powers under Article 142, even though the complainant therein declined to give consent for compounding, observing that the accused has sufficiently compensated the complainant."

7. In view of the above and considering the prayer made in the petition and further, the matter is arising under Section 138 of the Negotiable Instrument Act

and it is compoundable in light of Section 147 of the Negotiable Instrument Act and both the parties have compromised the matter and the settled amount of Rs.7,00,000/- has already been paid by the petitioner to the complainant/opposite party no.2 and in view of that, the joint compromise petition is allowed and the case is allowed to be compounded between the parties.

8. Accordingly, I.A. No.9235 of 2025 is disposed of.

9. Considering the totality of the circumstances and compromise between the parties and the petitioner has already paid settled compromise amount to the complainant, this criminal revision petition is allowed and the judgment dated 16.07.2024 passed by the learned Additional Sessions Judge-IV, Bokaro in Criminal Appeal No.31 of 2023 and the judgment of conviction and the order of sentence, both dated 21.02.2023 passed by the learned Additional Chief Judicial Magistrate, Bermo at Tenughat in C.P. Case No.268 of 2021 are, hereby, set-aside.

10. In view of the above, the petitioner is, hereby, exempted from surrender before the learned Court and the surety is, hereby, discharged.

11. I.A. No.9176 of 2025 is, therefore, disposed of.

12. Accordingly, this criminal revision petition is allowed and disposed of.