

SUPREME COURT OF INDIA

O.P. Dholakia

Versus

State of Haryana and others .

(G.B. Pattanaik and U.C. Banerjee, JJ)

SLP (Crl.) No. 2964 of 1999.

15.11.1999

JUDGMENT

1. Heard the learned counsel for the parties.
2. It appears that the petitioner has already entered into a compromise with the complainant and the complainant appearing in person through counsel states that the entire money has been received by him and he has no objection if the conviction already recorded under Section 138 of the Negotiable Instruments Act is set aside.
3. Mr. Mahabir Singh, the learned counsel appearing for the State of Haryana however, contends that the conviction and sentence having been upheld by all the three forums, this Court need not interfere with the same and it was open for the parties to enter into a compromise at an earlier stage when the appeal was pending. Now this Court need not show any indulgence. There is some force in the aforesaid contention. But taking into consideration the nature of offence in question and the fact that the complainant and the accused have already entered into a compromise, we think it appropriate to grant permission, in the peculiar facts and circumstances of the present case, to compound. Necessarily the conviction and sentence under Section 138 of the Act stands annulled. The special leave petition is disposed of accordingly.