

SUPREME COURT OF INDIA

Anil Kumar Haritwal

Vs.

Alka Gupta

Crl.A.No.369 of 2004

(B. P. Singh and N. Santosh Hegde JJ.)

23.03.2004

JUDGMENT

B.P.Singh, J.

1. Heard learned counsel for the parties.
2. Leave granted.
3. The appellants herein were convicted by the Chief Judicial Magistrate, Gwalior for offences punishable under Section 138 of the Negotiable Instruments Act and were sentenced to undergo imprisonment for six months and fine of Rs. 2000. The said court also awarded a compensation of Rs. 10, 25, 000 to the complainant.
4. In appeal filed against the said conviction and sentence by the appellants herein, the learned 1st Additional Sessions Judge, Gwalior allowed the same, setting aside the conviction and sentence. In appeal filed by the plaintiff against the said order before the High Court of Judicature at Jabalpur Bench, Gwalior, the High Court allowed the said appeal reversing the judgment of the learned Sessions Judge and restored that of the trial court.
5. In this appeal the parties before us have filed a compromise petition bringing to our notice that dispute between them has since been settled and the amount due to the respondent complainant has been paid, therefore, a prayer is made in the interest of justice, that conviction and sentence imposed on the appellants may kindly be quashed. Learned counsel for the appellants placed reliance on the judgment of this Court in the case of Texmaco Ltd. v. State of A.P. where this Court on similar facts and circumstances of that case, had allowed such prayer and set aside the conviction and sentence.
6. We have perused the records of the said case, which in our opinion are similar to the facts of the present case and we think it proper that prayer of the parties seeking to settle the dispute and praying for setting aside the conviction and sentence should be allowed. In the said view of the matter following the judgment of this Court in the above case, we allow this

appeal setting aside the conviction and sentence imposed on the appellants in the interest of justice in view of the fact that the dispute is settled between the parties and Section 147 of the Negotiable Instruments Act permits compounding of the offence.

7. The appeal is allowed.