

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NOS. /2026
[@ SPECIAL LEAVE PETITION (CRIMINAL) NOS.11754-11755/2025]**

REKHA

APPELLANT(S)

VERSUS

GOLF LINKS FINANCE AND RESORTS PVT. LTD.ETC. RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. These appeals impugn judgment(s) and order(s) of the High Court of Himachal Pradesh at Shimla¹ dated 17.09.2024 and 28.03.2025 passed in Criminal Revision No.462 of 2023 and Criminal MMO No.990 of 2024 respectively. By the impugned order dated 17.09.2024, the revision of the appellant against the appellate order of the Additional Sessions Judge (I), Shimla dated 23.06.2023 in Criminal Appeal No.18-S/10 of 2023 was dismissed thereby affirming the conviction of the appellant under Section 138 of the Negotiable Instruments Act, 1881². By the second impugned

1 1 High Court

2 2 N.I. Act

order dated 28.03.2025, the subsequent application/ petition for setting aside the order of conviction, by accepting the compounding application, was dismissed on the ground that it would amount to review of the order passed in the revision.

4. On 5th December 2025 the learned counsel for the appellant had taken time to bring on record settlement between the parties. However, as per Office Report dated 30.01.2026 no settlement has been placed on record.

5. Today, learned counsel for the appellant submitted that on 16.01.2026 there had been a compromise between the complainant (Golf Links Finance and Resorts Pvt. Ltd.) and the appellant. Copy of the said compromise/ settlement has been placed before us during the hearing. The relevant terms and conditions of the compromise are extracted below:

"1. That the complainant/first party filed a complaint under section 138 of Negotiable Instruments Act bearing complaint No.83-3 of 2016 for dishonor of cheque bearing No.357670 dated 02.01.2016 for a sum of Rs.4,10,000/- against the Second Party before the Ld. Chief Judicial Magistrate Shimla, H.P.

2. That the Ld. Trial Court convicted the second party vide its Judgment /order of conviction dated 09.12.2022/19.12.2022 and sentenced her to undergo simple imprisonment for a period of Six months and was directed

to pay compensation of Rs.6,00,000/- to the complainant/first party.

3. That thereafter second party has challenged the order of conviction and sentence passed by Ld. Chief Judicial Magistrate Shimla, H.P. before the Ld. First Appellate Court and the Ld. Appellate Court vide judgment dated 23.06.2023 dismissed the appeal.

4. That against the Judgment dated 23.06.2023 second party filed Criminal Revision before the Hon'ble High Court of HP which was registered as Cr.R.No.462/2023. The Hon'ble High Court of HP vide judgment dated 17.09.2024 dismissed the revision petition.

5. That now the matter stands amicably settled between the parties and the Second party has paid the entire settled amount to the complainant/first party and for that first party has already issued NOC in favour of the second party.

6. That now the complainant/first party does not want to pursue any proceeding against the second party in continuance of the aforesaid complainant.

7. That the complainant/First Party has no objection in case Complaint under Section 138 of NI Act bearing complaint No. 83-3/2016 for dishonor of cheque bearing No. 357670 dated 02.01.2016 for a sum of Rs. 4,10,000/-, is compounded and the Second party is acquitted from the offence, punishable under Section 138 of the N.I. Act and the Special Leave Petition pending before Hon'ble Supreme Court is allowed."

6. Based on the aforesaid compromise, the learned counsel for the appellant by relying on few decisions of this Court

prayed that this Court may in exercise of its power under Article 142 of the Constitution of India bring a quietus to the litigation between the parties and set aside the conviction on account of settlement/compromise between the parties.

7. The learned counsel for the respondent has no objection to the matter being decided in terms of the compromise as the payment has already been received by the complainant/respondent.

8. Having regard to the above and by taking into consideration the provisions of Section 147 of the N.I. Act and the law laid down by this Court (*vide Damodar S. Prabhu v. Sayed Babalal H³; Raj Reddy Kallem v. State of Haryana⁴; B. V. Sessaiah v. State of Telengana and another⁵ and Gian Chand Garg v. Harpal Singh and another⁶*) that an offence punishable under Section 138 N.I. Act is compoundable with the consent of parties at any stage, even after conviction, we deem it appropriate to set aside the impugned conviction order and allow these appeals in terms of the Settlement. However, considering the peculiar facts of the case we deem it appropriate to direct the appellant to deposit a sum of

3 3 (2010) 5 SCC 663

4 4 (2024) 8 SCC 588

5 5 (2023) 18 SCC 512

6 6 2025 SCC OnLine SC 2317

Rs.50,000 with the Supreme Court Legal Aid Services Committee, by way of costs, within one month from today.

9. The appeals are allowed in the aforesaid terms.

10. Pending application(s), if any, shall stand disposed of.

.....J
[MANOJ MISRA]

.....J
[MANMOHAN]

New Delhi
January 30, 2026

ITEM NO.33

COURT NO.13

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) NOS.11754-11755/2025

[Arising out of impugned final judgment and order dated 17-09-2024 in CRR No. 462/2023 and order dated 28-03-2025 in CRMMO No. 990/2024 passed by the High Court of Himachal Pradesh at Shimla]

REKHA

Petitioner(s)

VERSUS

GOLF LINKS FINANCE AND RESORTS PVT. LTD. ETC. Respondent(s)

IA No. 112867/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 30-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :Mr. J.S.Attri, Sr. Adv.
Mr. Chandra Nand Jha, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) :Mr. Mahesh Thakur, AOR
Mr. Narveer Yadav, Adv.
Mr. Siddhartha Sati, Adv.
Dr. Anthony Raju, Adv.
Mr. Akshay Kumar, Adv.
Ms. Ruchi Kumari, Adv.

Mr. Arman Roop Sharma, Adv.
Ms. Shimpy Arman Sharma, Adv.
Mr. Mohd. Aman Khan Afghani, Adv.
Ms. Yeshasvi Shrivastava, Adv.

Ms. Priyanka Dubey, Adv.
Ms. Harshita, Adv.
Mr. Bharat Bhushan Mishra, Adv.
Dr. Vinod Kumar Tewari, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeals are allowed in terms of the signed order which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)