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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 2096/2011**

% *Judgment delivered on: 23rd November, 2011*

N K JAIN

..... Petitioner

Through : Mr. B.D. Kaushik and Mr. Sunil
Kumar, Advs.

versus

STATE & ANR.

..... Respondent

Through : Ms. Rajdipa Behura, APP for
State/R-1.

Mr. Atul Batra, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

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| 1. Whether the Reporters of local papers
may be allowed to see the judgment? | No. |
| 2. To be referred to Reporter or not? | No. |
| 3. Whether the judgment should be reported
in the Digest? | No. |

SURESH KAIT, J. (Oral)

1. Vide the instant petition, the petitioner has sought to quash the impugned order dated 24.06.2011 passed by Id. Metropolitan Magistrate.

2. Id. Counsel for the petitioner has produced two impugned

orders passed by the Ld. Metropolitan Magistrate i.e. on 02.09.2011 and 14.11.2011, whereby vide order dated 14.11.2011 accused no. 2 / petitioner has proposed to settle the entire case whereby he has agreed to give the entire cheque amount in two instalments by way of cash / Bank DD to the Complainant.

3. It is further recorded that the said proposal is acceptable to the complainant through his Counsel. Accordingly, accused no.2/ petitioner shall make the first payment out of the agreed two payments on the next date.

4. Ld. Counsel for the respondent no. 2 submits that on date of the said order dated 14.11.2011, Complainant was not present in the Court, therefore the said alleged compromise is without any proper instruction.

5. Ld. Counsel for respondent no. 2 further submits that he would move appropriate application before the concerned court and get this order reversed.

6. I note that vide order dated 24.06.2011, the said order being passed by the Ld. Metropolitan Magistrate on moving an application on behalf of the petitioner to drop the proceedings under Section 82 & 83 Cr.P.C. While dismissing the said application by Ld. Metropolitan Magistrate, Process Server was directed to execute process under Section 82 & 83 Cr.P.C against the petitioner and co-accused Kaji Ahmed and Mr. Mishra.

7. It is recorded in the said order dated 14.11.2011 that the petitioner is proposed to settle the case and was agreed by Ld. Counsel on behalf of the Complainant. In this effect, order as already been

passed by Id. Metropolitan Magistrate against the order dated 24.06.2011 is set aside qua the petitioner only. Let respondent no. 2 shall take steps as stated before the Id. Metropolitan Magistrate.

8. Crl. M.C. 2096/2011 is allowed on the above terms.

9. Since Crl. M.C. 2096/2011 is allowed, Crl. M.A. 7591/2011 (stay) become infructuous and disposed of as such.

10. Dasti.

SURESH KAIT, J

NOVEMBER 23, 2011

jg