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

+ **W.P.(CRL) 1971/2026 and CRL.M.As.19724-28/2026**

**SAURABH KUMAR PANDEY**

.....Petitioner

Through: Mr. Siddharth Aggarwal, Sr.  
Advocate with Mr. Prashant Sodhi,  
Mr. Randeep Sachdeva, Mr. Mukund  
Sharma and Mr. Vatsal S Chadha,  
Advocates.

versus

**MS GEETI BHAGAT AND ANR**

.....Respondents

Through: Mr. Vaibhav Gaggar, Sr. Advocate  
with Mr. Somdev Tiwari & Mr.  
Vansh Shrivastava, Advocates for R1.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**ORDER**

% **09.07.2026**

1. The petitioner in the instant petition has prayed for the following relief:

*“a. Set aside/modify the impugned order dated 21.11.2025 passed by the Ld. JMFC-02, NI Act, Saket Courts, New Delhi in CT Case Nos. 471297/2016, 471022/2016, 464748/2016 and 464747/2016 to the extent it permits partial compounding of the offence under Section 138 of the Negotiable Instruments Act, 1881 qua Accused No. 3/Respondent No. 2 alone and directs continuation of proceedings against the Petitioner; and hold that the compounding recorded therein operates qua the entire offence and ensure to the benefit of the Petitioner in terms of Satish Kumar Pawa v. State, NCT of Delhi, CRL.M.C. 2928/2021, decided 28.02.2025, and Parsharvanath Weld Wires Pvt Ltd v. State of Chhattisgarh, Criminal Appeal No. 2904/2026, decided on 27.05.2026; and consequently DIRECT that*



*the complaint cases and C.A. Nos. 62, 63, 64 and 65 of 2025 be disposed of as compounded and the Petitioner be acquitted;*

*b. Set aside the Impugned Order dated 30.05.2026 and give full credit for Rs. 5,72,50,000/- paid by co-Accused No. 3 toward the joint liability and hold that consent was exercised and exhausted on 21.11.2025 and enures to the Petitioner's benefit.*

*c. Quash and set aside the Judgment of Conviction dated 15.01.2025 and the consequential Order on Sentence dated 15.01.2025 passed by the Ld. Judicial Magistrate First Class, NI Act, Saket Courts, New Delhi in CT Case Nos. 471297/2016, 471022/2016, 464748/2016 and 464747/2016, and consequently acquit the Petitioner of the offences alleged under Section 138 read with Section 141 of the Negotiable Instruments Act, 1881;*

*d. Call for and examine the record of C.A. Nos. 62, 63, 64 and 65 of 2025 from the Ld. Additional Sessions Judge, South District, Saket Courts, New Delhi;*

*e. In the alternative and without prejudice, COMPOUND the offence under Section 138 of the Negotiable Instruments Act, 1881 in C.A. Nos. 62, 63, 64 and 65 of 2025 upon the Petitioner depositing Rs. 1,08,17,187/- (being the residual cheque amount of Rs. 1,00,62,500/- plus costs of Rs. 7,54,687/- at 7.5% in terms of Sanjabij Tari v. Kishore S. Borcar, (2025) ibclaw.in 385 SC) before this Hon'ble Court or before such court as may be directed, and thereupon direct the complaint cases to be disposed of as compounded and the Petitioner to be acquitted;*

*f. Stay further proceedings in Criminal Appeal Nos. 62, 63, 64 and 65 of 2025 pending before the Ld. Additional Sessions Judge, South District, Saket Courts, New Delhi, including the hearing of the appeals on merits, during the pendency of this petition.”*

2. It appears that there were certain cases against the present petitioner and other accused persons. Some of the accused persons had absconded and the trial under Section 138 of the Negotiable Instruments Act, 1881 continued against the present petitioner. The present petitioner eventually got convicted and was sentenced, as can be seen from the record. When the appeal was pending, the other accused persons entered into a compromise with the complainant. A compounding order *qua* the other co-accused



persons came to be passed.

3. The petitioner whose appeal was pending sought the benefit of the compounding order and wanted the present appellant to be discharged/acquitted. The petitioner's request was rejected by the appellate Court on the pretext that compounding cannot be imposed on the complainant. The said order came to be challenged by the petitioner along with other prayers in Crl.M.C. 4398/2026.

4. The said Crl.M.C. was listed on 03.06.2026 and the petitioner therein confined the petition *qua* directions exempting the petitioner to remain physically present before the learned Appellate Court at the time of hearing of the final arguments. The Court, thus, granted the liberty to the petitioner to remain present through counsel and the personal appearance was exempted. A reference to paragraph nos. 4 to 8 of the said order is made which are extracted as under:

*“4. Learned Senior Counsel appearing on behalf of the appellant submits that he limits his grievance qua the directions passed by the learned Appellate Court on 30.05.2026 in CA No. 62/2025, whereby the appellant was directed to remain physically present before the learned Appellate Court at the time of hearing of the final arguments of the appeal, i.e., on 04.06.2026.*

*5. Learned counsel for the respondent, on advance notice, submits that he has no objection if the said direction is set aside, subject to final arguments being advanced on behalf of the petitioner before the learned Appellate Court on 04.06.2026.*

*6. Learned Senior Counsel appearing on behalf of the appellant, on instructions, submits that the final arguments shall be addressed before the learned Appellate Court on the date already fixed, i.e., 04.06.2026.*

*7. In these circumstances, the present petition is disposed of, exempting the appellant to appear before the learned Appellate Court on the said date, i.e., 04.06.2026, for arguments on the appeal.*

*8. Copy of the order be sent to concerned learned Trial Court/learned, Spl. Judge-NDPS/ASJ (South), South District, Saket, New Delhi for*



*necessary information and compliance.”*

5. The matter is, thus, pending for final adjudication of the appeal. The petitioner, however, in the instant writ petition seeks to draw the benefit from the order dated 21.11.2025 passed by the learned JMFC compounding the case against the other accused persons. The Court apprehends that such an exercise, at this stage, may not be appropriate.

6. At this stage, Mr. Siddharth Aggarwal, learned senior counsel appearing for the petitioner, submits that since appeal is pending, petitioner be permitted to make all submissions before the Appellate Court in relation to the order dated 21.11.2025 passed by the Trial Court or any other subsequent order passed by the Appellate Court.

7. Mr. Vaibhav Gaggar, learned senior counsel, appearing for the complainant, has no objection to the said submission.

8. In view of the aforesaid, Mr. Aggarwal seeks permission to withdraw the petition, at this stage, with liberty to raise all issues before the Appellate Court, not only limited to the purport and the effect of order dated 21.11.2025 but further relevant issues as well. The reliance placed on the decision of the Co-Ordinate Bench in **Satish Kumar Pawa v. State, NCT of Delhi**,<sup>1</sup> can also be examined by the concerned Appellate Court. Equally, Mr. Gaggar's reliance **Atul Vikram Singh v. State, NCT of Delhi**,<sup>2</sup> can also be considered.

9. Accordingly, and in light of the aforesaid observations, the present petition stands dismissed as withdrawn. Pending applications, if any, are also disposed of.

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<sup>1</sup> CRL.M.C. 2928/2021; Dated 28.02.2025

<sup>2</sup> Crl. M.C. 2973/2021; Dated 28.01.2022



10. All rights and contentions of both the parties are left open.

**PURUSHAINDRA KUMAR KAURAV, J**

**JULY 9, 2026/ tr**