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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.REV.P. 101/2016 & CrI.M.A.Nos.2387-2388/2016

MOHAN LAL JOHAR

..... Petitioner

Through: Mr. Praveen Jha, Adv.

versus

THE STATE & ANR

..... Respondents

Through: Ms Ishita, Adv. for R-2

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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31.03.2016

1. The petitioner has filed two complaint cases one against Mohan Lal Johar and another against his wife Anita Rani Johar. Mohan Lal Johar was convicted by learned trial Court and the appeal filed by him was also dismissed by learned ASJ on 04.09.2015.

2. Subsequent to the disposal of the appeal no.10/2015 by Mohan Lal Johar who is the petitioner before this Court, a settlement took place with the complainant in both cases recorded in Criminal Appeal no.9/15 vide order dated 29th September, 2015, titled as “*Anita Rani Johar Vs. The State and Anr.*”

“Present:-Sh. Bakshish Singh Adv., counsel for the appellant.

Respondent with Sh.Kamaljeet Singh Adv.

Appellant not present. An application for exemption is moved by Shri Bakshish Singh. The same is allowed for today only.

At this stage respondent/complainant has moved an application, through his counsel, for compounding of the offence. It is submitted that the matter has been settled between the respondent/complainant and appellant through her son namely Vikas, who is present in the Court. Application for compounding has been counter signed by Shri Bakshish Singh Adv., counsel for the appellant.

It is submitted that the present appeal has been settled between the parties on payment of ₹1,40,000/-. It is further submitted that the amount of ₹70,000/- has been handed over by appellant's son to the respondent today in the Court and the balance amount of ₹70,000/- shall be paid within two weeks from today.

On joint request, adjourned to 22.9.2015 for payment of balance of ₹70,000/- and further proceedings”.

3. Since on 22.09.2015 balance payment could not be made, on 29.09.2015 statement of the complainant was following effected was recorded in Criminal Appeal no.9/2015:

*“Statement Ravinder Pal Singh S/o Sh.Inder Jeet Singh bakshi
R/o 2497/8, Bidon Pura, Karol Bagh, New Delhi-110005
ON SA*

I have received amount of ₹70,000/- from Sh. Vikas Johar-son of the appellant, as full and final settlement of the present complaint titled as Ravinder Pal Singh Vs Anita Rani Johar. I have no objection, if the present appeal is disposed of as compounded.

I have also received amount of ₹70,000/- from aforesaid Vikas johar towards the settlement of another complaint titled as Ravinder Pal Singh Vs Mohan Lal Johar. I shall have no objection in compounding of the said matter if and when appeal is filed before the Hon'ble High Court of Delhi by Mohan Lal Johar”.

4. Learned counsel for the petitioner has submitted that since the settlement had taken place after the decision in appeal no.10/2015 filed by the present petitioner, as the offence has been compounded this revision petition may be disposed of by acquitting the petitioner.
5. On behalf of the complainant, it has been submitted that the complete payment has not been received. However, when confronted

with the proceedings dated 29.09.2015, correctness of the judicial proceedings dated 29.09.2015 in appeal no.10/2015 are not disputed. Learned counsel for the complainant also does not dispute that there were only two complaint cases one against Anita Rani Johar and another against the petitioner Mohan Lal Johar. Since both the cases have been compounded by the complainant after receiving ₹70,000/- in the case titled as “Ravinder Pal Singh Vs Anita Rani Johar” and another ₹70,000/- in case titled as “Ravinder Pal Singh Vs Mohan Lal Johar” and at that time also complainant agreed to give no objection before the High Court in the legal remedy to be availed by Mohan Lal Johar, the complainant cannot say that further amount is yet to be received from Mohan Lal Johar.

6. Since the offence under section 138 NI Act is compoundable which has been compounded by the petitioner with the complainant/respondent no.2, the petitioner is acquitted.

7. It is informed that the petitioner is not in custody in this case so no further direction is necessary in the matter.

8. Copy of this order be given dasti as prayed.

PRATIBHA RANI, J.

MARCH 31, 2016

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