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

\+ CRL.A. 290/2015 & Crl.M.A.No.14302/2015

EIJAJ HASAN ..... Appellant

Through: Mr.S.S. Bhatia, Advocate.

versus

RELIABLE ENTERPRISES & ORS ..... Respondents

Through: Mr.Bahar U. Barqi, Advocate.

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

O R D E R

% **20.05.2016**

1. This is a leave petition filed under Section 378(3) Cr.P.C., seeking leave to appeal against two complaint cases under Section 138 of the Negotiable Instruments Act. Out of the two complaint cases against the respondent, in one case he has been convicted and acquitted in another. The petitioner is seeking leave to appeal against the order of acquittal 11th September, 2013, passed by Learned MM, Saket Courts, New Delhi whereby the respondents were acquitted in Complaint Case No. 173/2010.

2. The appeal has been heard and allowed by this Court vide order dated 2nd March, 2015.

3. While allowing the appeal the respondents/accused have been convicted for committing offence punishable under Section 138 NI Act and sentenced to undergo SI for three months apart from paying fine of ₹7 lakh out of which ₹5 lakh was to be disbursed to the complainant. The operative part of the passed in the Crl. Appeal No. 290/2015 reads as under:

"13. Accordingly, in my view the impugned judgment cannot be sustained and the offence under Section 138 of the Act stood established beyond reasonable doubt.

14. The respondent accused is sentenced to undergo Simple Imprisonment for a period of three months apart from paying fine of ₹7 Lakhs, out of which ₹5 Lakhs shall be disbursed to the complainant. The fine be paid within one month, failing which the respondent shall undergo further Simple Imprisonment for a period of one month. The respondent accused shall surrender within the next fifteen days.

4. Thereafter the respondent/accused sought time to surrender which was granted by this Court on 20th May, 2015.

5. Now the parties have arrived at an amicable settlement and the appellant has received ₹1.5 lac vide DD No. 085409 dated 3.5.2016 and ₹1.5 lac in cash today in the Court. It has also been agreed between the parties that the two FDRs for a sum of ₹1 lakh each lying with the Registrar be also returned to the appellant/complainant along with the interest accrued thereon.

6. In view of the above amicable settlement between the parties, registry is directed to release the FDRs deposited by the respondent herein.

7. Since the parties have already settled their dispute for the offence punishable under Section 138 NI Act which is a compoundable offence, in a disposed of matter, it is directed that in view of the settlement, appellant need not undergo further sentence awarded in this case.

PRATIBHA RANI, J.

MAY 20, 2016
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