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

DECIDED ON : OCTOBER 25, 2016

+ CRL.REV.P. 511/2016 & CrI.M.A.16129/2016

AJAY SINGHAL

..... Petitioner

Through : Mr.Jayant K.Sud with Mr.Honey
Khanna, Ms.Vaishali Soni and
Mr.Uman Singh, Advocates.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through : Mr.Kamal Kr.Ghei, APP.
Mr.A.S.Anand, Advocate, for R-2
along with R-2 present in person.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

1. Present revision petition has been preferred by the petitioner-Ajay Singhal to challenge the legality and correctness of a judgment dated 28.10.2015 of learned Additional Sessions Judge in CrI.A.No.24/2015 whereby the judgment dated 19.05.2015 of learned ACMM, Shahdara, in Complaint Case (CC) No.428/2014 under Section 138 Negotiable

Instruments Act was upheld. The Trial court had sentenced the petitioner vide order dated 7.7.2015 to undergo Rigorous Imprisonment for two years with fine ₹10,00,000/- being double the cheque amount; the default sentence was Simple Imprisonment for six months. In appeal, the sentence imposed by the Trial Court was endorsed.

2. During the pendency of the revision petition, the matter was settled/compounded with the complainant. Accordingly, Crl.M.A.No.16129/2016 was filed for permission to compound the offence.

3. The complainant has appeared in person with counsel. I have enquired from the complainant if she has settled the dispute with the petitioner amicably without any fear or pressure. She has informed that all the disputes with the petitioner have been settled and she has received the settled amount of ₹5,00,000/-. She has no objection to the disposal of the petition as settled/compounded.

4. Learned counsel for the petitioner informs that the petitioner is ready and willing to deposit ₹75,000/- as costs in compliance of the guidelines/directions of the Supreme Court of India in *Damodar S.Prabhu vs.Sayed Babalal H.* (2010) 5 SCC 663.

5. I am satisfied that the complainant has compounded the offence under Section 138 Negotiable Instruments Act with the petitioner with her own free consent and settled amount has been received by her. The petition, thus, stands disposed of as settled/compounded. The petitioner stands acquitted of the charge.

6. The petitioner shall deposit ₹75,000/- as costs within three days with Delhi State Legal Services Authority. Registry shall ensure its compliance.

7. The petition stands disposed of in the above terms. All pending application(s) also stand disposed of. Trial Court record (if any) be sent back forthwith along with the copy of the order.

8. Intimation be sent to the Superintendent Jail. The petitioner shall be released forthwith if not required to be detained in any other case.

(S.P.GARG)
JUDGE

OCTOBER 25, 2016
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