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

+ CRL.REV.P. 544/2016

ISLAM AHMAD QURESHI Petitioner

Through: Mr. Karanjeet Kumar, Adv.

versus

STATE & ANR. Respondents

Through: Mr. Tarang Srivastava, APP for State.
Mr. Hari Shanker, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

% **ORDER**
26.08.2016

Crl. M.A. No.12903/2016 (Condonation of delay)

By this application filed under Section 482 of Cr. P.C., the petitioner seeks condonation of delay of 195 days in filing the revision petition.

For the reasons stated in the application, the same is allowed and the delay of 195 days in filing the revision petition is condoned.

Application stands disposed of.

CRL.REV.P. 544/2016 & Crl. M.A. No.12902/2016 (u/S 482 Cr.P.C.)

Trial Court convicted the petitioner under Section 138 of Negotiable Instruments Act, 1881 vide judgment dated 31st October, 2012. Vide order on sentence dated 2nd November, 2012 petitioner was sentenced to undergo simple imprisonment for four months and to pay a fine of ₹3,86,000/-. It was further

ordered that out of ₹3,86,000/-, a sum of ₹3,81,000/- be given to the complainant (respondent No.2) as compensation.

Petitioner preferred appeal which has been dismissed by the Additional Sessions Judge-03 vide judgment dated 30th October, 2015. Petitioner has now filed this revision petition under Section 397 Cr.P.C against the order passed by the appellate court.

A perusal of judgment shows that matter was settled between the parties on 29th May, 2014 before the mediation centre wherein the petitioner had agreed to pay ₹4,75,000/- to the respondent No. 2 on or before 1st June, 2015. A perusal of para No. 28 of the impugned judgment shows that ₹2,25,000/- was paid by the petitioner to the respondent No. 2, however, remaining amount was not paid.

During the pendency of the revision petition, parties have again settled the matter for ₹3,75,000/- out of which ₹2,25,000/- stands paid. ₹1,50,000/- has been paid today in the Court by the petitioner to the respondent No. 2. Respondent No. 2 is present in Court and submits that she has no objection in case offence under Section 138 of Negotiable Instruments Act, 1881 is compounded. Since petitioner and respondent No.2 have settled their disputes and respondent No. 2 has received the entire settled amount, offence under Section 138 of Negotiable Instruments Act, 1881 is permitted to be

compounded. Revision petition is disposed of.

Petitioner is acquitted. Petitioner is stated to be in judicial custody. He be released forthwith, if not required in any other case.

Copy of this order be sent to the concerned Jail Superintendent for compliance.

A.K. PATHAK, J.

AUGUST 26, 2016/radhika