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

+ CRL.L.P. 662/2015 & CrI. M.A. 13669/2015

OMBIR SINGH TOMAR

..... Petitioner

Through: Mr. Rajeev Shukla, Adv.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. M.S. Oberoi, APP for State.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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08.02.2016

The present leave petition seeks leave to appeal against the judgment and order dated 16th February, 2015 passed by learned Metropolitan Magistrate whereby the respondent No. 2 herein was acquitted of charge under Section 138 of the Negotiable Instruments Act.

Counsel appearing on behalf of the parties state that the parties to the subject proceedings have arrived at an out of court settlement. Counsel, therefore, urge that the subject proceedings be compounded in terms of the provisions of 147 of the Negotiable Instruments Act, 1881.

Counsel appearing on behalf of respondent No. 2 states that a sum of Rs. 3,25,000/- shall be paid by the respondent No. 2, who was the accused in the proceedings under Section 138 of the Negotiable Instruments Act, to the leave petitioner herein who was the complainant in the subject complaint, within a period of one month from today. Counsel appearing on behalf of the leave petitioner states that he has given his consent to the compounding of the alleged offence freely and in terms of the undertaking made by the respondent No. 2, as aforesaid.

In view of the foregoing, the Complaint Case No. 979/06, titled as ‘Ombir Singh Tomar vs. Dinesh Singhal’ is compounded in terms of provisions of Section 147 of the Negotiable Instruments Act, 1881 and in terms of the decision of the Supreme Court in *Damodar S.Prabhu vs Sayed Babalal H.*, reported in (2010) 5 SCC 663.

The above compounding is subject to the condition that the respondent No. 2 shall pay a sum of Rs. 49,000/- as costs to be deposited with the Delhi High Court Legal Services Committee, within a period of four weeks from today.

With the above directions the leave petition is disposed of.

SIDDHARTH MRIDUL, J

FEBRUARY 08, 2016
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