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

+ **CRL.M.C. 927/2017 & CrI.M.A. 3882/2017**

PRATHMESH BARAR

..... Petitioner

Represented by: Mr. Sonam Sharma, Mr. Virat
K. Anand, Ms. Srishty Kaul,
Advs.

versus

STATE (NCT) OF DELHI & ANR

..... Respondent

Represented by: Mr. Ashok Kumar Garg, APP.
Ms. Kajal Chandra, Ms. Swati
Sinha, Ms. Prerna Chopra,
Advs. for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

10.03.2017

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1. At the outset learned counsel for the petitioner submits that the present petition be treated as a revision petition seeking setting aside of the judgment and order dated 14th July, 2016 and 28th July, 2016 passed by the learned Additional Chief Metropolitan Magistrate convicting and sentencing the petitioner for offence punishable under Section 138 Negotiable Instruments Act (in short NI Act) and the judgment of learned Additional Sessions Judge dated 28th February, 2017 dismissing the appeal filed by the petitioner. The petitioner prays that since the parties have settled the matter offence punishable under Section 138 NI Act be compounded and the Complaint Case No.414/2014 (New Case No.5636/2016) titled as '*Sanjay Kalra Vs. Prathmesh Barar*' be quashed.

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2. On the oral prayer of the learned counsel for the petitioner the present petition is treated as a revision petition. Registry will re-number the same as (Crl.Revision Petition No.____/2017).

3. Section 320 (6) Cr.P.C. permits the High Court or the Court of Sessions to compound an offence even while exercising its power of revision under Section 401 Cr.P.C. The petitioner has been produced in custody pursuant to orders passed by this Court in Bail Application No.403/2017. The memorandum of settlement between the parties has been placed as Annexure P-4 to the present petition executed between Sanjay Kalra, the complainant and Sudev Barar on behalf of the petitioner Prathmesh Barar.

4. Sanjay Kalra, the respondent No.2 in the present petition and complainant of complaint case No.414/2014 is present in Court and is identified by the learned counsel. He states that he has settled the matter with the petitioner in terms whereof he has already received ₹60 lakhs by RTGS into his account and the balance amount of ₹15 lakhs has been received by him today by way of two demand draft Nos. '500498 and 500499' both drawn on ICICI Bank. Respondent No.2 states that since he has settled the matter with the petitioner he does not wish to pursue the above-noted complaint and the proceedings pursuant thereto and the judgment of conviction and order on sentence against the petitioner be quashed.

5. Petitioner who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and states that he would abide by the terms of settlement arrived at by Sudev Barar, his cousin

brother on his behalf with Sanjay Kalra.

6. Since the parties have settled the matter no useful purpose will be served in continuation of the proceedings pursuant to the judgment of conviction and order on sentence and directing the petitioner to undergo further incarceration. There is no legal impediment in quashing of the complaint and the proceedings pursuant thereto including the judgment of conviction and order on sentence as is permitted by Section 320 (6) Cr.P.C.

7. In view of the settlement arrived at between the parties complaint case No. 414/2014 (New Case No.5636/2016) under Section 138 NI Act in case ID No. 02402R0065512014 titled as '*Sanjay Kalra Vs. Prathmesh Barar*', the judgment of conviction dated 14th July, 2016 and the order on sentence dated 28th July, 2016 passed by the learned ACMM and the judgment dated 28th February, 2017 passed by the learned Additional Sessions Judge upholding the conviction and order on sentence are hereby quashed.

8. Parties have signed this order sheet in acknowledgment of their statements made before this Court.

9. Superintendent Mandoli Jail is directed to release the petitioner forthwith if not required in any other case.

10. Petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

MARCH 10, 2017
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