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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.REV.P. 779/2017

ANIL KAUSHIK

..... Petitioner

Through: Mr. Harish Kumar, Advocate along
with petitioner in person.

versus

THE STATE NCT OF DELHI & ORS

..... Respondents

Through: Ms. Anita Abraham, APP for State.
Mr. Vishesh Wadhwa, Advocate for
R-2 along with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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01.11.2017

CRL.M.A.17070/2017 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

**CRL.REV.P. 779/2017 & CRL.M.A. 17069/2017 (for
compounding of offence)**

1. With the consent of the parties, the revision petition is taken up for final disposal.
2. The present petition has been filed under Section 397/401 Cr.P.C. read with Section 482 Cr.P.C. for setting aside the judgment dated 10.08.2017 passed by learned Special Judge (NDPS), Rohini Courts, Delhi and also for setting aside the judgment dated 19.12.2016 and order on sentence dated 12.4.2017 passed by learned Metropolitan Magistrate, Rohini Court, Delhi, whereby the

petitioner/accused was convicted for commission of offence under Section 138 of Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment of 4 months and further ordered to pay a compensation under Section 357(3) Cr.P.C. of Rs.4.50 lakhs (Rs.1,97,500/- already paid during trial) and in default simple imprisonment for three months.

3. Along with the petition, an application being CrI.M.A. 17069/2017 has been filed by the petitioner seeking compounding of offence on the ground of settlement. It is stated that with the intervention of friends and relative, the petitioner and the respondent No.2 have arrived at a settlement and the respondent No.2 has settled the matter as full and final settlement for a sum of Rs.6,50,000/-. It is further submitted that the respondent No.2 has already received Rs.1,97,000/- during the pendency of the trial and further taken Rs.1,50,000/- from the petitioner. The remaining amount is being paid today by way of demand draft of Rs.2.70 lakhs bearing no.398253 dated 9.10.2017 drawn on Oriental Bank of Commerce.
4. Learned counsel for the petitioner submits that the offence under Section 138 of N.I. Act is compoundable offence under Section 147 of N.I. Act. It is further submitted that since the matter has been settled the petitioner be acquitted of the offence charged with.
5. The respondent No.2 is present with his counsel and testifies to the above settlement and receiving of amount. The respondent

submits that in view of the settlement, he does not want to pursue the matter further and that he has no objection if the offence is compounded.

6. Considering the fact that the matter has been settled and respondent No.2 has given his no objection and there being provision for compounding of offence under Section 147 of the N.I. Act, the judgments impugned by way of present revision petition are set aside and the petitioner is acquitted of the charges levelled against him.
7. The revision petition and the application stands allowed and disposed of.

CRL.M.B.1827/2017 (for suspension of sentence)

In View of the aforesaid order, no order is required to be passed in the instant application.

Dismissed as infructuous.

Dasti.

SANGITA DHINGRA SEHGAL, J

NOVEMBER 01, 2017

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