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

+ CRL.M.C.122/2018 & CrI.M.A.520/2018

CITI NOTE BOOK Petitioner
Through Mr.Kartik Sundar, Adv.

versus

PREMSUKH DAS & SONS Respondents
Through Mr.Anuj Pal, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **29.10.2018**

1. Petitioner seeks quashing of complaint CC No.1558/17 titled "M/s.Prem Sukh Das & Sons vs. M/s. Citi Note Book" pending in the Court of Metropolitan Magistrate.
2. Subject complaint has been filed under Section 138 of the Negotiable Instruments Act for dishonour of a cheque No.849357 dated 25.08.2016 for Rs.20,000/-.
3. Petitioner had filed this petition contending that the subject cheque was not of the petitioner but of a concern of a similar name *Citi Book Centre*. It is contended that the complaint has been filed against the concern *Citi Note Book*.
4. It was pointed out by the respondent that the Citi Book Centre was a proprietorship concern of the wife of the petitioner.
5. Parties have negotiated a settlement.

6. In terms of the settlement, without prejudice to his rights and contentions and without admitting any liability and with a view to put a quietus to the dispute between the petitioner, petitioner's wife and the complainant, petitioner has agreed to pay a total sum of Rs.50,000/- to the respondent.

7. Respondent is the sole proprietorship concern of Sh. Loknath Jalan. Shri Vijay Jalan, the son of the respondent, is present in Court. He submits that he is also the authorized representative of his father. He has filed his affidavit in Court which is taken on record. He as well as his counsel confirm that the dispute between the parties have been settled and they have agreed to accept the payment of Rs.50,000/- in full and final settlement of all disputes between the petitioner, petitioner's wife and the respondent. He submits that on payment of the said amount of Rs.50,000/- there shall be no disputes surviving between the parties of any nature.

8. Shri Vijay Jalan undertakes that on payment of the said amount, they shall withdraw of the subject complaint pending before the Trial Court. The undertaking is accepted.

9. Sum of Rs.50,000/- has been paid to Sh.Vijay Jalan, the authorized representative of the respondent and the same is acknowledged and accepted in Court.

10. In view of the above undertaking of the authorized representative of the respondent that he shall withdraw the complaint

fixed before the Trial Court on 20.12.2018, learned counsel for the petitioner seeks leave to withdraw the petition.

11. The petition is accordingly dismissed as withdrawn.

SANJEEV SACHDEVA, J

OCTOBER 29, 2018

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