

\$~53

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

+ CRL.REV.P. 430/2018, CRL MA 9363-64/2018 &
CRL M.(BAIL)806/2018

JITENDER KUMAR

..... Petitioner

Through Mr. Gaurav Gupta, Adv

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents

Through Dr. M P Singh, APP

Respondent nos. 2 to 4 in person

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

16.05.2018

Notice. Learned APP accepts notice for respondent no. 1. Respondent no. 2 to 4, who are legal heirs of Late Sh. Mahavir, are present in Court. They were brought on record before the Appellate Court as the appellant died during pendency of the appeal.

Respondent nos. 2 to 4 submit that they have settled the matter with petitioner's wife of their own free will, voluntarily and without any undue force, pressure or coercion, in terms of Memorandum of Understanding dated 4th May, 2018. In terms of the said settlement, petitioner has paid ₹3.30 lacs to respondent no.2 towards repayment of the cheque amount. Respondent nos. 3 and 4, who are children of respondent no.2, say that they are not willing to accept any money personally and as such, the payment has been made to respondent no.2. Respondent nos. 2 to 4 submit that they have

no objection if the offence under section 138 of Negotiable Instrument Act, 1881 is permitted to be compounded.

Keeping in view the settlement arrived at between the petitioner and respondents voluntarily, offence under section 138 of Negotiable Instrument Act, 1881 is compounded, petitioner is acquitted. Petitioner be released from jail forthwith, if not required in any other case.

Petition is disposed of in the above terms. Miscellaneous applications are disposed of as infructuous. *Dasti.*

A.K. PATHAK, J

MAY 16, 2018

sm