

\$~50

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

% Judgment delivered on: 12.02.2018

+ CRL.REV.P. 728/2017

SURINDER KUMAR MEHRA Petitioner

versus

STATE & ANR Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Tarun Arora, Advocate.

For the Respondent : Mr. Arun Kumar Sharma, APP for the State.
Mr. S.S. Kalra, Advocate for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

12.02.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.REV.P. 728/2017 & CrI.M.A.2600/2018 (for compounding of offence under Section 138 Negotiable Instrument Act, 1881)

1. The petitioner had sought quashing of conviction order dated 21.03.2017 and Order on Sentence dated 06.04.2017 in Complaint Case No.177/2016 and the order dated 17.08.2017, passed by the Appellate Court rejecting the appeal of the petitioner.

2. The sentence awarded to the petitioner was simple imprisonment for a period of one month and to pay compensation of Rs.1,60,000/- to the complainant, failing which to undergo further simple imprisonment of one month.

3. The petitioner has now filed an application, under Section 147 of Negotiable Instrument Act, seeking compounding of the offence.

4. The subject cheque was of Rs.80,000/-. The petitioner has handed over a Pay Order No.553368 dated 01.02.2018 drawn on Citi Bank in the sum of Rs.1,60,000/- to the respondent No.2 today in Court.

5. The respondent No.2 has accepted the same and submits that she does not wish to press the complaint and is willing to compound the offence.

6. The petitioner also submits that the petitioner is willing to deposit the cost, as directed by the Supreme Court in *Damodar S. Prabhu vs. Sayyad Babulal*: (2010) 5 SCC 663 with the Delhi State Legal Services Authority.

7. Since the settlement has taken place before this Court, the petitioner is directed to deposit 15% of the cheque amount, i.e. Rs.12,000/- with the Delhi State Legal Services Authority within a period of one week from today. The receipt be filed with the Trial Court.

8. In view of the above, the subject offence is compounded. The petitioner is acquitted of the offence.
9. The petition as well as the application is disposed of.
10. The next date of 21.02.2018 is cancelled.
11. Order *Dasti* under the signatures of the Court Master.

FEBRUARY 12, 2018
st

SANJEEV SACHDEVA, J

नित्यमेव जयते