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

+ CRL.M.C. 5340/2017

AJEET KUMAR SONI Petitioner

Through Ms. Varinder Kaur, Adv.

versus

STATE & ANR Respondents

Through Mr. Akshai Malik, APP

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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25.04.2018

1. Petitioner seeks quashing of mediation settlement dated 06.09.2017 entered into between the petitioner and respondent No.2 in Crl. Revision No. 388/2016 titled Gyan Devi vs. Ajeet Kumar Soni and further execution of order of conviction and sentence dated 16.12.2015 passed by the Trial Court in Complaint Case No.7369/2015 titled as Ajit Kumar Soni vs. Gyan Devi.

2. The petitioner filed a complaint under Section 138 of the Negotiable Instruments Act, 1881. Respondent No.2 was convicted of the offence under Section 138 of the Negotiable Instruments Act. The respondent was sentenced to imprisonment till the rising of the Court and to pay fine of Rs.15 lakh and in default to undergo 6 months imprisonment. The respondent filed an appeal which was dismissed and consequently Crl. Revision No.338/2016 was filed

wherein parties were referred to the Meditation Centre. Consequent to the mediation settlement, said revision petition was dismissed as withdrawn.

3. The petitioner contends that the respondent No.2 has failed to comply with the mediation settlement and has failed to pay the fine amount. In case the respondent had failed to comply with the mediation settlement agreement and failed to pay fine amount, the sentence in default of the payment of fine would be liable to be executed.

4. Learned counsel for the petitioner seeks leave to withdraw the petition with liberty to approach the Trial Court for seeking appropriate direction for execution of the sentence in view of the non-payment of the fine.

5. In view of the above, the petition is dismissed as withdrawn. It is clarified that this court has not examined the issue of breach of mediation settlement.

SANJEEV SACHDEVA, J

APRIL 25, 2018

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