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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 24/2019**
SATVEER SINGH NAGAR Petitioner
Through: Mr. Khalil A. Ansari, Advocate
versus
M/S. AZMI CONSTRUCTION PVT. LTD. Respondent
Through: Mr. S. Qamar, Advocate

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **10.01.2019**

CRL.M.A. 357/2019

Allowed, subject to all just exceptions. The application is disposed of.

CRL.REV.P. 24/2019 & CRL.M (B) 26/2019

1. This petition is filed under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 against the judgment dated 1.11.2018 passed by the learned Additional Sessions Judge-02, South-East, Saket Court, New Delhi, affirming the conviction of the petitioner passed by the learned Metropolitan Magistrate on 16.7.2016 while modifying the order on sentence dated 25.7.2016 wherein the learned Metropolitan Magistrate sentenced the petitioner to simple imprisonment (SI) for 6 months and to pay a fine of Rs.40,00,000/- to be paid to the complainant under Section 138 of the Negotiable Instruments Act, 1881 within a period of 30 days and in default of payment of fine, the petitioner was to

further undergo SI for 6 months. The learned Appellate Court had set aside the SI for 6 months awarded to the petitioner, upholding the other part directing the petitioner to deposit fine of Rs.40,00,000/- before the Trial Court within 2 months, which was to be released to the respondent as compensation and in case of default of payment of fine, appellant would undergo SI for 6 months.

2. Learned counsel for the petitioner submitted that the parties have settled their disputes on their own free will, without any force or coercion vide Settlement dated 18.12.2018, in terms whereof the petitioner had to pay Rs.34,80,000/- as full and final settlement amount, which has already been paid to the respondent.

3. Learned counsel for the petitioner has prayed in the petition that in the interest of justice, the petitioner be acquitted by permitting him to compound the matter with the respondent.

4. Learned counsel for respondent No.2 submitted that the petitioner has already made the payment of Rs.34,80,000/- to the respondent through various cheques, which have already been encashed and nothing is due from the petitioner. Hence, the petition may be allowed and the offence may be compounded.

5. In view of the aforesaid facts, the submission of the learned counsel for the parties as well as in the interest of justice, the offence of the petitioner is compounded subject to

deposit of Rs.15,000/- with Delhi High Court Advocates' Welfare Trust and Rs.15,000/- with the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 within ten days and a receipt of the said deposit be filed in the Registry within two weeks and a copy of the said receipt shall also be handed over to the APP through the I.O. within 3 weeks. In case the petitioner fails to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

6. Petitioner is acquitted. Petitioner be released from Jail, if not required in any other case.

7. Petition is disposed of in above terms. Pending application is also disposed of.

Dasti.

CHANDER SHEKHAR, J

JANUARY 10, 2019

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