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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 584/2019**
YOGESH YADAV Petitioner

Through: Mr. D.D. Tripathi, Advocate

versus

THE STATE & ANR Respondents
Through: Mr. Kamal Kumar Ghai, APP
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **05.02.2019**

1. The petitioner has filed the petition under Section 482 of the Code of Criminal Procedure, 1973, read with Article 226 of the Constitution of India for setting aside/quashing the sentence of the petitioner, as upheld by the learned Special Judge, Dwarka Courts on 30.11.2018.

2. Learned counsel for the petitioner submitted that the parties have settled their disputes vide settlement-agreement dated 4.2.2019 before the Delhi High Court Mediation & Conciliation Centre ('DHCMCC'), copy whereof is placed on record. Learned counsel for the petitioner further submitted that the parties have, in terms of the settlement-agreement dated 4.2.2019, agreed that the present petition may be disposed of. It is also submitted that the petitioner has already paid a sum of Rs.2,00,000/- to the respondent No.2, prior to the filing of the petition, receipt whereof has already been acknowledged by

respondent No.2 before the DHCMCC.

3. Learned counsel for the petitioner has handed over a post-dated cheque No.008574, dated 25.1.2020, drawn on State Bank of India, Kapashera Branch, Delhi to the respondent No.2, receipt whereof has been acknowledged by respondent No.2.

4. Learned counsel for the petitioner and respondent No.2 submitted that, in view of the settlement-agreement dated 4.2.2019 and the payment made, the offence may be compounded since it is permissible under the Negotiable Instruments Act, 1881 ('NI Act'). Accordingly, the offence under Section 138 of the NI Act is compounded. The petitioner is acquitted. The petitioner be released from jail immediately on receipt of this order, if not required in any other case.

5. A copy of this order be sent to the Superintendent, Jail No.4, Tihar Jail.

6. The petition is disposed of.

Dasti.

CHANDER SHEKHAR, J

FEBRUARY 05, 2019

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