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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 9th July, 2019

+ CrI.M.C. 637/2019

MRS. SUMAN ARORA

..... Petitioner

Through: Mr. Deepak Aggarwal & Mr.
Abhishek Srivastava & Dr.
Sudharshan Kumar, Advs.

versus

SUNDEEP KUMRA

..... Respondent

Through: Mr. Sunil Dutt, Adv. with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. On the criminal complaint (CC no. 10382/2016) of the respondent, the petitioner was brought to trial in the court of Metropolitan Magistrate, she having been found guilty and convicted for the offence under Section 138, Negotiable Instruments Act, 1881, by judgment dated 17.11.2018. The trial Magistrate, by her order dated 12.12.2018, awarded simple imprisonment for six months with fine of Rs. 24 lakhs which was to be paid as compensation to the complainant (respondent).

2. The petitioner assailed the above-said judgment and order on sentence by CrI. Appeal no. 10/2019, which was dismissed by the additional sessions Judge, by order dated 19.01.2019.

3. It is stated that the petitioner thereafter approached the complainant and persuaded him to settle the dispute amicably in terms of which she paid to him a total amount of Rs. 18 lakhs, out of which Rs. 16 lakhs was paid through banking channel and the balance in cash, receipt of said amounts having been confirmed by the respondent (complainant) on 28.01.2019 before the trial court, this formally recorded in the proceedings of the said court.

4. Based on the above-mentioned settlement, the present petition was filed invoking the inherent power and jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) for the consequences flowing from the judgment of the criminal case to be brought to an end and the case to be treated as amicably settled and disposed of.

5. The respondent, on notice, has entered appearance. Pursuant to directions in the last order, he filed an affidavit sworn on 28.06.2019 in which he confirmed that he had settled the matter “out of Court” and have received full and final payment as per the settlement and that he had no objection if the proceedings in the criminal case brought to an end. Since the affidavit dated 28.06.2019 would not reveal the amount of money paid or received, the respondent was called upon to file another affidavit clearly stating the facts. He has sworn another affidavit today, which has been presented at the hearing, the same confirming that the payment made to him by the petitioner is in the total sum of Rs. 18 lakhs towards full and final settlement of the settlement amount and nothing remains pending.

6. Having regard to the fact that dispute arising out of the aforementioned case under Section 138, Negotiable Instruments Act, 1881 was essentially a civil dispute in nature, bearing in mind the principles governing the exercise of power under Section 482 Cr.P.C., as laid down in various authoritative pronouncements including *Gian Singh vs. State of Punjab*, (2012) 10 SCC 303 and *Narinder Singh vs. State of Punjab* (2014) 6 SCC 466, the prayer is granted.

7. The judgment dated 17.11.2018 and order on sentence dated 12.12.2018 of the Metropolitan Magistrate in criminal case no. 10382/2016, and judgment dated 19.01.2019 of the first appellate court in Crl. Appeal no. 10/2019, are hereby set aside. The proceedings in the criminal case under Section 138, Negotiable Instruments Act, 1881 are hereby quashed.

8. The petition is disposed of in above terms.

R.K.GAUBA, J.

JULY 09, 2019

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