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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1324/2019
MD. MOHSIN KHAN Petitioner
Through: Mr.A.S. Thapa, Advocate.

versus

STATE & ANR Respondents
Through: Mr.R.K. Ghei, APP for State.
Mr.G.D. Sharma, Advocate for
R-2/complainant with respondent No.2 in
person.
Mr.Viraj R. Datar, Advocate for R-3/DHC.

CORAM:
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER
11.03.2019

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The instant petition has been filed by the petitioner seeking setting aside the judgment dated 25.10.2018 and order on sentence dated 27.10.2018 passed by the Metropolitan Magistrate, Central-2, Delhi which was implemented by order dated 26.02.2019 in CC No.519461/2016 after dismissal of appeal bearing No.430/2018 by the Court of Sessions Judge vide order dated 13.02.2019 and the proceedings pursuant thereto on the ground that a compromise/settlement has been arrived at between the parties in the matter.

Respondent No.2 is present in Court today and is identified by the learned counsel. He states that he has settled the matter with the petitioner with his own free will and choice without any threat, pressure and coercion as per Settlement Agreement (annexure P-5). He further submits that he has received the entire payment of Rs.1,70,000/- from the petitioner towards all

his claims and he does not wish to pursue the abovementioned case against the petitioner any further and the proceedings pursuant thereto.

The petitioner/accused is stated to be in judicial custody. Vakalatnama of counsel for the petitioner has been verified through the Superintendent, Tihar, Jail No.2.

It is submitted by counsel for the petitioner that as per order dated 26.02.2019, the petitioner failed to make the payment of Rs.50,000/- and was to make the payment of Rs.70,000/- as last installement on 12.03.2019. It is further submitted by counsel for the petitioner that the petitioner was arrested on non bailable warrant but on 25.02.2019 a settlement was arrived at between the parties and the entire payment was made to the complainant/respondent no.2.

Statement of the complainant/respondent No.2 has been recorded separately.

In view of the above, since the entire payment of Rs.1,70,000/- has been received by the complainant/respondent no.2, the petitioner be released forthwith from Tihar, Jail No.2, if not required in any case.

The petition is disposed of.

SANGITA DHINGRA SEHGAL, J

MARCH 11, 2019
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