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

+ **CRL.REV.P. 1161/2018 & CRL.M.A.4397/2019**

JITENDER GUJRAL & ANR Petitioners

Through: Mr. Vineet Mehta, Adv.

versus

RAJ KUMAR Respondent

Through: Mr. Shantanu Devansh, Adv.
with the respondent in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **26.02.2019**

CRL.REV.P.1161/2018 & CRL.M.A.4397/2019 (for compounding the offence)

1. The petitioner No.1, who is proprietor of the petitioner No.2 M/s Hingiri Constructions, and the respondent as well as their respective counsel submitted that the parties had entered into a Memorandum of Understanding (MoU)/Settlement Agreement dated 18.12.2018, in terms whereof the petitioner No.1 has already made a payment of Rs.28 lacs as full and final settlement amount to the respondent.
2. The respondent, on the query of the Court, submitted that the petitioner No.1 has already made a payment of Rs.28 lacs to him in terms of the MoU/Settlement arrived at between the parties and he has no grievance whatsoever against the petitioner No.1.
3. Learned counsel for the parties submitted that in view of the

settlement arrived at between the parties, the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (NI Act) may be compounded since the same is compoundable under the NI Act.

4. Learned counsel for the petitioners submitted that the order on sentence dated 27.10.2018 already stands suspended by this Court vide order dated 20.12.2018 and the petitioner No.1 is not required in any other case.

5. Accordingly, in view of the submission of the parties, more so in view of the MoU/Settlement arrived at between the parties and in the interest of justice, the application is allowed and the offence under Section 138 of the NI Act is compounded and the petitioner No.1 is acquitted in the present case, subject to cost of Rs.30,000/- to be paid by the petitioner No.1 within 14 days, out of which Rs.10,000/- be deposited in the Bharat Ke Veer Corpus Fund, Rs.10,000/- in the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 and Rs.10,000/- in the Delhi High Court Advocates' Welfare Trust and receipts of the deposits be filed in the Registry within 21 days. Copy of the receipts shall also be handed over to the APP through the I.O. within 21 days. In case the petitioner No.1 fails to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

6. The petition stands disposed of in the above terms. The application also stands disposed of.

CHANDER SHEKHAR, J

FEBRUARY 26, 2019/rk