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

+ CRL.L.P. 223/2017

SURESH GOYAL

..... Petitioner

Through: Mr Sandeep Gupta, Advocate along
with petitioner in person.

versus

JULIA WILSON & ANR

..... Respondents

Through: Mr J. H. Jafri, Mr Athar and Mr
Mirza Nazim, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **22.01.2020**

1. The petitioner has filed the present petition seeking leave to appeal against an order dated 09.11.2016 passed by the Additional Sessions Judge, Karkardooma Courts allowing the appeal preferred by respondent no.1 and acquitting respondent no.1 of an offence punishable under Section 500 of the IPC.
2. The petitioner had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (hereafter 'NI Act') and in those proceedings, statement of respondent no.1 was recorded. In her statement, she had made derogatory statement against the petitioner to offer an explanation as to why she had not paid the interest. The said derogatory statement provided cause to the petitioner to file a complaint (CC No.39/2010). The said complaint culminated in a judgment dated

30.03.2016 passed by the learned MM, whereby respondent no.1 was convicted of an offence under Section 500 of the IPC. She was also sentenced to serve rigorous imprisonment for a period of six months.

3. Respondent no.1 appealed against the said judgment and the sentence awarded to her. The said appeal was allowed by the learned ASJ by the order impugned in the present petition. Learned ASJ concluded that respondent no.1 was entitled to claim benefit of the exemptions 8 and 9 under Section 499 of the IPC.

4. The petitioner and respondent no.1 are present in the Court. The petitioner states that he would be satisfied if respondent no.1 tenders an unqualified apology for casting aspersions on his character and the derogatory statement under Section 313 of the CrPC, which is a subject matter of this complaint.

5. Respondent no.1 tenders her unqualified and unconditional apology to the petitioner. She states that she is truly contrite for making the derogatory statement.

6. In view of her apology, the petitioner seeks to withdraw the present petition.

7. The petition is dismissed as withdrawn.

VIBHU BAKHRU, J

JANUARY 22, 2020
MK