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

+ CRL.M.C. 6611/2022, CRL.M.A. 25730/2022

GANGA RAM SHARMA Petitioner

Through: Mr. Dhan Mohan, Mr. Ravi Mishra,
Mr. Ratnesh Kumar and Ms. Tanisha
Bhatia, Advs. along with petitioner.

versus

MUKESH KUMAR Respondent

Through:

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Date of Decision: 8th December, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed under Section 482 Cr.PC challenging the order dated 10th June, 2022 and 18th August, 2022 whereby learned Trial Court has issued NBW and the process of under Section 82 Cr. PC for non appearance of the petitioner.
2. Learned counsel for the petitioner submits that the matter has already been settled between the parties at Delhi Mediation Centre, Kakardooma Court vide settlement dated 25th November, 2019. It has been submitted that the petitioner undertakes to make the payment as per the settlement agreement.

3. Learned counsel for the petitioner submits that he may be given liberty to file an appropriate application before the learned Trial Court for recalling the NBW and process under Section 82 Cr. PC. However, it has further been stated that he may be given some protection till then.
4. Liberty granted.
5. Let petitioner may move the appropriate application before the learned Trial Court for cancellation of NBW and process under Section 82 Cr. PC. Learned Trial Court shall consider the application of the petitioner in accordance with the law, taking into account of facts that parties have already entered into a settlement and the petitioner is ready to make the payment.
6. NBW and process under Section 82 Cr.PC shall be kept in abeyance till the learned Trial Court passes the appropriate orders on the application for cancellation of NBW and recalling of process under Section 82 Cr. PC.
7. With these observations, the petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 8, 2022

Pallavi