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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: April 20, 2022

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CRL.A. 1082/2017

SOHANBIR SINGH

..... Appellant

Through: Mr. Prem Priyavardhan, Advocate
with appellant in person.

versus

GOVT OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Ravi Nayak, APP for State
(through VC)Mr. Harsh Prabhakar, Advocate
(Amicus Curiae) for R-2 with R-2 in
person.**CORAM:****HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN****JUDGMENT (oral)**

1. The appellant has filed a criminal complaint titled as ***Sohanbir Singh vs Gyanender Sharma*** bearing M.No. 683/2016 under Section 138 of Negotiable Instrument Act 1881, which was pending for consideration in the Court of Mrs. Babita Puniya, MM (Mahila Courts-02) Shahdara, Karkardooma Courts, Delhi against the respondents.
2. The appellant and the respondents, during the pendency of the said criminal complaint, entered into a compromise *vide* mediation No. 206/17. The concerned trial court due to the compromise entered into between the appellant and the respondents, dismissed the complaint in default as settled *vide* order dated 17.04.2017.
3. The respondent no. 2 stated to have been committed default in payment of settled amount. Due to this reason, the appellant filed the present petition under Section 378(4) read with Section 482, Code of

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Criminal Procedure, 1973 for setting aside the order dated 17.04.2017 passed by Mrs. Babita Puniya, MM, Shahdara, Karkardooma Courts whereby the complaint filed by the appellant was ordered to be dismissed in default as settled.

4. During the hearing of the present petition, the efforts are made to settle the dispute between the appellant and the respondent no. 2. The respondent no. 2 states that he is ready to pay Rs.2 Lacs to the appellant towards full and final settlement of all the claims of the appellant subject matter of the present petition on or before 31.03.2023 with minimum of Rs.10,000/- per month on or before 15th day of each English calendar month. The said offer is accepted by the appellant; accordingly the respondent no. 2 is directed to pay Rs.2 Lacs to the appellant towards full and final settlement of all the claims of appellant as per the subject matter of the present petition on or before 31.03.2023 with minimum of Rs.10,000/- per month w.e.f. May, 2022.

5. The respondent no. 2 is directed to pay the monthly instalment of settled amount on or before 15th day of each English calendar month by directly depositing in the account of the appellant or by paying in cash against a proper receipt.

6. The present petition is accordingly disposed of. However, the appellant shall be at liberty to revive the petition in case the respondent no. 2 commits two consecutive defaults in making the payment of monthly instalments as per the settlement.

(SUDHIR KUMAR JAIN)
JUDGE

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