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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 21st March, 2023

+ CONT.APP.(C) 12/2023 & CM APPL. 13277/2023

ARVIND MALIK

..... Appellant

Through: Mr. Sandeep Sharma, Mr. Divyanshu Nautiyal, Mr. Amit Upadhyay, Mr. Amulya Upadhyay, Mr. Vineet Singh, Mr. Basant Lal, Mr. B.B. Sharma, Mr. Ujjwal Gautam, Mr. Iqbal Khan, Mr. Nadeem Ahmed, Ms. Akansha Raj, Mr. Anil Pandey, Mr. Tapes R, Mr. Amitesh Giroti & Mr. Chandan Kumar Mandal, Advocates.

versus

PRANITA KAPOOR AND ORS.

..... Respondents

Through: Mr. Desh Deepak, Mr. Rajan Tyagi, Mr. Umang Tyagi & Ms. Vijeta Mukherjee, Advocates for R-1. ASI Surjeet Singh & HC Ashok Kr. for Tihar Jail.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Vide the present appeal, the appellant is seeking following reliefs:

“a.) Admit the appeal throughout and summon/call for the Court Record in C.M. (Main) No. 484/2020 titled as Parnita Kapoor and Ors. vs. Arvind Malik and Ors. and in Cont.Cas(c) 224/2021 and;

b.) To set aside and/or modify the impugned judgment/final order dt.16.03.2023 passed by HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA, JUDGE HIGH COURT OF DELHI AT NEW DELHI IN THE MATTER NAMELY PARNITA KAPOOR & ANR. VERSUS ARVIND MALIK BEARING CONT.CAS(C) 224/2021 and to acquit the appellant herein in view of the facts and circumstance mentioned herein above and also in the interest of the justice and also in the interest of justice."

2. The Court of learned Single Judge *vide* Judgment dated 16.03.2023 passed in CONT.CAS(C) 224/2021 titled Parnita Kapoor & Ors. vs. Arvind Malik sentenced the appellant herein to undergo six months simple imprisonment along with a fine of Rs. 2,000/- and in default of payment of fine, he shall further undergo fifteen days simple imprisonment.
3. Today, learned counsel on behalf of the appellant submits that a settlement has been arrived at between the parties and as per the said settlement, a sum of Rs. 23,00,000/- has been paid to the respondents herein.
4. Learned counsel on behalf of the respondents does not dispute the fact that a sum of Rs. 23,00,000/- has been paid in favour of the respondents, and the same fact has also been confirmed by the respondents who are present in the Court physically.
5. Learned counsel on behalf of the appellant further submits that the Conviction Order/Judgment dated 16.03.2023 be modified and the appellant be released on the sentence that he has already undergone.
6. It may be noted that as per the said settlement, wherein it has been agreed that the pending case(s) *inter se* the parties shall be withdrawn/settled.
7. Accordingly, keeping in view the settlement arrived at between the

parties, we hereby, while upholding the Conviction Order/Judgment dated 16.03.2023, modify the said sentence to the extent the period already undergone by the appellant.

8. The present appeal along with the pending application is disposed of.

9. A copy of this order be sent to the concerned jail authority, and on receipt of the same, the concerned jail authority is directed to release the appellant.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MARCH 21, 2023
S.Sharma

