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

+ CRL.REV.P. 620/2022

+ CRL.M.C. 6483/2022

NAVEEN KUMAR

..... Petitioner

Through: Mr.Rohit Kumar, Adv.

versus

PRADEEP GAHLOT

..... Respondent

Through: Mr. Jai Dev Sharma, Adv. for R (VC)

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Date of Decision: 15th March, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. This is a petition filed under section 482 Cr.P.C. on behalf of the petitioner seeking quashing of Order and Judgement passed by the Ld. Trial Court dated 30.10.2018 and 11.03.2019 in CC No. 4990277/2016, Alongwith order passed by the learned first Appellate Court in Crl. Appeal No.176/2019.
2. Briefly stated facts of the case are that initially a CRL. Rev. P. 620/2022 was filed seeking setting aside of the conviction judgment and order on sentence dated 30.10.2018 and 11.03.2019 respectively

passed by the learned Trial Court in CC No.4990277/2016 under Section 138 NI Act in respect of cheque for Rs.6,00,000/-. The order passed by the learned first Appellate Court in Crl. Appeal No.176/2019 was also challenged by the petitioner.

3. When this petition was taken up on 20.09.2022, it was informed that the matter has been settled between the parties and thereafter CRL.M.C. 6438/2022 was filed seeking quashing of criminal complaint case No.4990277/2016 titled as *Pradeep Gahlot Vs. Naveen Kumar*.
4. The petitioner is present in person and the respondent is appearing with counsel through VC. The parties have filed on record the MoU dated 15.09.2022 executed between Ishwar Singh-Father of the petitioner and the respondent-complainant. The terms and conditions of the MoU reads as under:

“1. Whereas son of first party is in J.C. in the offence U/s NI Act in case No.4990277/2016 case title as Pradeep Gahlot Vs. Naveen Kumar, learned trial court was pleased to convict the son of first party. Son of First filled an appeal bearing Criminal Appeal NO.176/2019 case title as Naveen Kumar Vs. Pradeep Gahlot was also dismissed vide order dated 12.09.2022.

2. Whereas dispute has been settled as full and final between the parties in the consideration amount of Rs.4,00,000/- (Rupees four Lacs Only). As per terms and conditions of settlement.

3. Whereas second party received a sum of Rs.200000/- (Rupees Two Lacs only) payment on 16.09.2022 from the first party.

4. Whereas first party will pay remaining balance amount

Rs.200000/- to second party at the time of first hearing of this matter before the Hon'ble High Court.

5. *Whereas that the second party undertakes that he will co-operate compounding the offence U/s 138 of NI Act. And he also undertakes that he will appear at time of listing of this case before Hon'ble High Court.*

6. *Whereas both parties have settled the dispute without any pressure, coercion and undue influence.”*

5. Learned counsel for the respondent submits that in terms of the settlement, the respondent-complainant has received the entire amount.
6. This was a private dispute wherein the parties have reached at an amicable settlement out of their own free will and do not wish to pursue the case further.
7. It has time and again been held by the Apex Court and this court that wherein the offence is predominantly private in nature and does not have a serious impact on the society as a whole then in such cases, the court may be of the opinion that a settlement between the parties would lead to better relations between them and thus the court may exercise power under Section 482 CrPC for quashing the proceedings or the complaint or the FIR as the case may be. However, the Courts have to satisfy themselves that the settlement so entered into is within the four corners of the law.
8. I consider that there would be no purpose of continuing with the trial.
9. In view of terms of the settlement between the parties, the criminal complaint case No.4990277/2016 titled as *Pradeep Gahlot Vs.*

Naveen Kumar and all the other proceedings emanating therefrom are quashed.

10. In view of the above, both the petitions stand disposed of.

DINESH KUMAR SHARMA, J

MARCH 15, 2023

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