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

+ **CRL.M.C. 309/2024**

SH. RAJ NARAYAN

..... Petitioner

Through: Mr.Arpit Goel, Mr.R.K. Gupta,
Ms.Nandita Gupta, Ms.Deeksha
Gupta, Advs. alongwith
Mr.Ghanshyam (brother of the
petitioner).

versus

SH. HARISH MALKOTI

..... Respondent

Through: Respondent in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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12.01.2024

CRL.M.A. 1191/2024 (Exemption)

1. Allowed, subject to all just exception.

CRL.M.C. 309/2024

2. This petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of the Complaint Case No. 379/2018, titled as ***Harish Malkoti v. Raj Narayan***, filed by the respondent herein under Sections 138/142 of the Negotiable Instruments Act, 1881 (in short, 'NI Act').

3. The petitioner stands convicted of the offence under Section 138 of the NI Act by the order dated 10.08.2023 passed by the learned Metropolitan Magistrate-01, (North-East District), Karkardooma Courts, Delhi. By a subsequent order dated 22.09.2023, the petitioner was sentenced to undergo simple imprisonment for a period of six



months alongwith fine of Rs.3,45,000/-.

4. The petitioner challenged the said order by way of an appeal, however, by the judgment dated 11.12.2023, the said appeal being Criminal Appeal No.102/2023, titled as ***Sh.Raj Narayan vs. Sh.Harish Malkoti***, has been dismissed by the learned Additional Sessions Judge (Special Judge NDPS), (North-East District), Karkardooma Courts, Delhi.

5. The parties have thereafter settled all their disputes and have entered into a settlement by executing a Memorandum of Settlement / Agreement dated 08.01.2024. The petitioner has been taken into custody on 11.12.2023, and has already undergone imprisonment for more than one month.

6. The respondent, who is present in person in Court and has been duly identified by the learned counsel for the petitioner and by the brother of the petitioner, namely Mr.Ghanshyam, states that he has no objection if the complaint case is quashed by this Court and the petitioner is enlarged from custody.

7. The brother of the petitioner has handed over a Demand Draft of a sum of Rs.2,45,000/- to the respondent in Court as per the terms of the settlement.

8. Keeping in view the judgment of the Supreme Court in ***Damodar S. Prabhu v. Sayed Babalal H.***, (2010) 5 SCC 663, and subject to the condition that the petitioner shall deposit costs of Rs.5,000/- with Delhi State Legal Services Authority within a period of two weeks from today, the Complaint Case No. 379/2018, titled as ***Harish Malkoti v. Raj Narayan***, and all consequential proceedings



emanating therefrom against the petitioner are quashed. The costs so deposited shall be utilised by the Delhi State Legal Services Authority for providing counselling/psychological support to the POCSO Victims requiring such assistance.

9. The petitioner be released from the judicial custody forthwith.

10. The petitioner shall file, with the Registry of this Court, proof of the deposit of the above costs. In case the costs is not deposited by the petitioner, the Registry shall place the matter before this Court for appropriate directions.

11. The petition is disposed of with above direction.

12. Copy of this order be given *dasti* under the signatures of the Court Master.

NAVIN CHAWLA, J

JANUARY 12, 2024/Arya/SS

Click here to check corrigendum, if any