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

+ CRL.M.C. 2661/2024

LALIT MOHAN MADHAN

..... Petitioner

Through: Mr.Kirti Uppal, Sr. Advocate with
Mr.Manish Kumar, Ms.Srishti and Ms.Riya Gulati,
Advocates

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for State

+ CRL.M.C. 2662/2024

LALIT MOHAN MADHAN

..... Petitioner

Through: Mr.Kirti Uppal, Sr. Advocate with
Mr.Manish Kumar, Ms.Srishti and Ms.Riya Gulati,
Advocates

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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03.04.2024

CRL.M.A. 10133/2024 in CRL.M.C. 2661/2024 (exemption) and
CRL.M.A. 10135/2024 in CRL.M.C. 2662/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The applications are disposed of.



CRL.M.C. 2661/2024 and CRL.M.A. 10132/2024 (stay) &
CRL.M.C. 2662/2024 and CRL.M.A. 10134/2024 (stay)

1. By way of present petitions filed under Section 482 Cr.P.C., the petitioner is aggrieved by the common order dated 27.03.2024 passed by Ld. Principal District & Sessions Judge (South), Saket Courts in C.A. No. 327/2022 and C.A. No.328/2022.

2. Learned Senior Counsel for the petitioner has referred to the order dated 12.03.2024 passed by this Court in CRL.M.C. 2016/2024 and CRL.M.C. 2017/2024, wherein while taking note of the fact that the proceedings pending before the Ld. Principal District & Sessions Judge arose out of the proceedings initiated by the respondent No.2/Aarti Bhardwaj under Section 138 NI Act in which the parties had been able to reach an amicable settlement and amounts had also been paid, it was observed that the only dispute was whether in view of the delay in making payments, the amount of Rs.40 lacs deposited earlier would need to be adjusted or forfeited, which had to be decided by the Ld. Principal District & Sessions Judge. He, on instructions, further submits that in case Rs.40 lacs is to be adjusted, then the petitioner has already paid a sum of Rs.10 lacs over and above the settlement amount. He, on instructions, further submits that the petitioner is willing to pay cost in terms of the decision of Supreme Court in Damodar S. Prabhu v. Sayed Babalal H. reported as **(2010) 5 SCC 663**, subject to the issue of adjustment or forfeiture to be decided by the learned Ld. Principal District & Sessions Judge.

Learned Senior counsel prays that the petitioners be exempted from appearance till the issue of Rs. 40 lakhs is pending with the concerned court.

3. The present petitions are accompanied by the orders passed by the Ld.



Principal District & Sessions Judge. Pertinently, a perusal of the order dated 09.01.2024 would show that the arguments on the aforesaid issue of Rs. 40 lakhs were heard and the matter was reserved for orders on 15.02.2024, on which date, it was noted that orders were not ready as one of the regular stenographer was on leave. The matter was again listed on 26.02.2024, on which date, the parties were directed to file written arguments and the matter was adjourned for 06.03.2024. Order dated 06.03.2024 records that written arguments had been filed by both the parties and it was also noted that the petitioner had deposited a sum of Rs.10 lacs in respondent's account. The matter was thereafter listed on 13.03.2024. In between, directions to make further payments were challenged before this Court vide the abovementioned CRL M.C.(s) wherein, after considering the submissions of both the parties, the Ld. Principal District & Sessions Judge was directed to pass a speaking order with respect to the issue which finds mention in order dated 31.01.2023.

4. In the light of the above, it is imperative that in case Rs.40 lacs is to be adjusted, the petitioner is not required to pay any more amount in terms of the settlement. Moreover, the offence is compoundable. However, the issue as noted above, remains to be decided since 09.01.2024.

5. Consequently, the impugned order vide which NBWs have been issued against the petitioners is set aside and the Ld. Principal District & Sessions Judge is directed to decide the aforesaid issue by way of a speaking order. Till then, the petitioners are exempted from appearance before the trial court.

6. In view of the above, the petitions are disposed of alongwith the pending applications.



7. Let a copy of this order be communicated to the learned Principal District & Sessions Judge.

8. Needless to state that in case the petitioner remains aggrieved, he shall be at liberty to approach this Court.

DASTI.

MANOJ KUMAR OHRI, J

APRIL 3, 2024

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