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

(32)+ CRL.M.C. 3557/2022

(33) CRL.M.C. 3568/2022

(34) CRL.M.C. 3569/2022 & CRL.M.A. 14951/2022

(35) CRL.M.C. 3570/2022 & CRL.M.A. 14954/2022

(36) CRL.M.C. 3571/2022 & CRL.M.A. 14957/2022

(37) CRL.M.C. 3572/2022 & CRL.M.A. 14960/2022

(38) CRL.M.C. 3573/2022

(39) CRL.M.C. 3580/2022 & CRL.M.A. 14986/2022

M/S SIMLA YOUNG FOOTBALL PVT LTD & ANR.

..... Petitioners

Through: Mr.Vaibhav Srivastava,
Ms.Vineeta Tiwari, Mr.Aditya
Shukla, Ms.Sugandha Anand,
Advs.

versus

STATE & ANR. & ORS.

..... Respondents

Through: Mr. Shoaib Haider, APP

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

30.01.2024

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1. These petitions have been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of the Judgement dated 07.06.2022 and the order on sentence dated 30.06.2022 passed by the learned Metropolitan Magistrate, Karkardoma Courts, Delhi in the Complaint Cases no(s). 56917/2016; 56915/2016; 56898/2016; 56913/2016; 56918/2016; 56912/2016; 56916/2016; and 56898/2016 filed by the complainants therein/respondent no. 2 herein against the petitioners.

2. Vide the judgement dated 07.06.2022, the petitioners have been



convicted for the offence punishable under Section 138 Negotiable Instruments Act, 1881 (in short, 'NI Act'). Vide the Order on Sentence dated 30.06.2022, the petitioners have been sentenced to a fine of double the cheque(s) amount(s) in the respective Complaint Cases and in case of failure to pay the fine amount, the petitioner no.2, who represents the Petitioner no.1 company, to undergo Simple Imprisonment for a period of 6 months with a direction that the fine amount shall be recoverable as fine under Section 421 of Cr.P.C..

3. As was recorded in the order dated 02.08.2022 of this Court, the entire payment has been made by the petitioners by way of post-dated cheques, to the complainants, that is, the respondent no.2 in the petitions.

4. Today, the petitioner has brought a print out of the bank statement, which according to him shows the clearance of the post-dated cheques that had been handed over to the respondent no.2.

5. Mr.Manoj Chaudhary, respondent no.2 in CRL MC 3569/2022, CRL MC 3570/2022, CRL MC 3571/2022, CRL MC 3572/2022 and CRL MC 3580/2022, who appears virtually, submits that the entire payment has been received not only by him but also by Mr.Ajay Chaudhary, who is the respondent no.2 in CRL MC 3557/2022, CRL MC 3568/2022, and CRL MC 3573/2022 and, therefore, they are left with no claim whatsoever against the petitioners and have no objection if the present proceedings are allowed to be compounded and the petitioners are acquitted.

6. In view of the settlement between the parties and the no objection given by the complainant, the offence committed by the



petitioners under Section 138 of the NI Act, as found in the judgement dated 07.06.2022 and orders on sentence dated 30.06.2022 in the Complaint Cases mentioned hereinabove, is permitted to be compounded and the petitioners are acquitted.

7. The learned counsel for the petitioner submits that an amount of Rs.2 lakhs has been deposited with the learned Trial Court. If any such amount is lying deposited with the learned Trial Court, the same shall be appropriated towards the costs in terms of the judgment of the Supreme Court in ***Damodar S. Prabhu v. Sayed Babalal H.***, (2010) 5 SCC 663 and the excess amount, if any found, shall be refunded to the petitioners.

8. In case the above stated amount is not found deposited or the costs in terms of the judgment of the Supreme Court in ***Damodar S. Prabhu*** (supra) exceeds the amount so lying deposited, the petitioners shall deposit the shortfall of the costs within a period of four weeks from today.

9. The petitions and the pending applications are disposed of in the above terms.

NAVIN CHAWLA, J

JANUARY 30, 2024/Arya/ss

[Click here to check corrigendum, if any](#)