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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2898/2021, CRL.M.A. 18254/2021**
JASBIR SINGH Petitioner

Through: Ms. Malvika Trivedi, Sr. Advocate
with Mr. Nipun Katyal, Mr. Shailendra
Slaria and Ms. Kismat Chauhan,
Advocates.

versus

STATE NCT OF DELHI & ANR. Respondents

Through: Mr. Mukesh Kumar, APP for State.
Mr. Lal Singh Thakur, Mr. Anurag
and Mr. Sudhir Tewatia, Advocates
for R-2.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER
05.03.2024

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1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of proceedings arising out of Criminal Appeal No. 440386/2016, pending before learned ASJ, South West District, Dwarka Courts, Delhi.
2. In brief, as per the case of petitioner, Criminal Appeal No.440386/2016 was preferred on behalf of the petitioner challenging judgment dated 05.03.2015 and order on sentence dated 04.04.2015 passed by learned Trial Court, whereby, the petitioner was convicted under Section 138 NI Act and sentenced to undergo SI for 03 months and pay compensation of Rs. 1,70,000/- (in default, to undergo SI for two months).



3. It is further the case of petitioner that dispute between the parties has been resolved in terms of mediation settlement dated 28.05.2016 and in terms of the said settlement, the petitioner agreed to pay a sum of Rs. 3,30,000/- to respondent No. 2 in three installments towards full and final settlement. However, petitioner failed to pay the 3rd installment of Rs. 1,70,000/- to respondent No. 2 in terms of settlement, since he remained in custody in some other FIR. In the meantime, proceedings under Section 82 Cr.P.C. were initiated against the petitioner in the aforesaid appellate proceedings.

4. Learned counsel for petitioner contends that the balance amount of Rs.1,70,000/- has since been paid by the petitioner to respondent No. 2 on 29.07.2021. Further in view of settlement between the parties, this Court, vide order dated 24.11.2021, directed that no coercive action be taken against the petitioner.

5. Learned counsel for respondent No. 2 fairly submits that balance amount, in terms of settlement dated 29.09.2021, has been received by respondent No. 2 and no further dues are payable by the petitioner. Further he does not object the quashing/compounding of proceedings in accordance with law, as per instructions of respondent No.2.

6. As agreed by both learned counsel for the petitioner as well as learned counsel for respondent No. 2, parties are permitted to file an application for compounding before the learned Appellate Court, for disposing the proceedings in accordance with law. Further in the facts and circumstances and in view of settlement between the parties, the proceedings before the learned Appellate Court under Section 82/83 Cr.P.C. including order dated 08.04.2019 are quashed, Petitioner as well as respondent No. 2 are permitted to appear through VC before learned Appellate Court, for the purpose of



filing requisite application for compounding, in accordance with law.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned trial court for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

MARCH 05, 2024/R