



\$~23

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

+ **CRL.M.C. 4841/2024**

ANWAR

..... Petitioner

Through: Ms. M.A. Inayati, Mr. F.A. Mirza and
Mr. Shoaib Khan, Advs.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Satish Kumar, APP for State with
ASI Ravedmal PS Jamia Nagar
Mr. Arjun Mitra and Mr. Sarfaraz
Ahmad, Advs. for R2

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

07.06.2024

CRL.M.A. 18178/2024 (exemption)

25. Allowed, subject to all just exceptions.

26. Application is disposed of.

CRL.M.C. 4841/2024 & CRL.M.A. 18179/2024 (stay)

27. The present petition has been filed seeking following relief:

*“a. Pass an order quashing complaint u/s 138 bearing CC
NI No.6425/2021 titled as Irfan vs. Anwar, Saket Court
(South East) and order dt. 07.11.2023 declaring the
petitioner absconder and FIR bearing No. 41/2024 dt.
23.01.2024 U/S 174A IPC registered at P.S. Jamia Nagar.”*

28. The brief facts are that the respondent no. 2 filed a complaint under
Section 138 NI Act for dishonour of cheque of Rs. 2,55,000/- dated
12.04.2021. The matter was amicably settled on 14.07.2022.



29. In terms of the settlement, the petitioner was to pay Rs. 3,00,000/- to the respondent, out of which an amount of Rs. 25,000/- was to be paid till 26.07.2022 and remaining amount of Rs. 2,75,000/- in five instalments till 26.12.2022.

30. The learned counsel for the petitioner submits that the petitioner has made payment of around Rs. 68,5000/- from 26.07.2022 till 22.03.2024 in the account of complainant's wife Ms. Fatima. However, the remaining amount could not be paid because of the financial distress.

31. The learned counsel submits that in the meanwhile, the process under Section 82 CrPC was initiated and NBWs were issued and thereafter the petitioner was declared as an absconder. Subsequently, the FIR No. 41/2024 under Section 174A IPC came to be registered at PS Jamia Nagar.

32. During the pendency of the present petition, the parties have arrived at settlement and in terms thereof the petitioner has handed over full and final settlement amount of Rs. 2,99,400/- to the learned counsel for the complainant in the following manner:

- (i) by way of Demand Draft bearing No.834272 dated 07.06.2024 issued by UCO Bank of Rs. 49,900/-
- (ii) by way of Demand Draft bearing No.834273 dated 07.06.2024 issued by UCO Bank of Rs. 49,900/-
- (iii) by way of Demand Draft bearing No.834274 dated 07.06.2024 issued by UCO Bank of Rs. 49,900/-
- (iv) by way of Demand Draft bearing No.834275 dated 07.06.2024 issued by UCO Bank of Rs. 49,900/-
- (v) by way of Demand Draft bearing No.834276 dated 07.06.2024 issued by UCO Bank of Rs. 49,900/-



(vi) by way of Demand Draft bearing No.834277 dated 07.06.2024 issued by UCO Bank of Rs. 49,900/-

33. Mr. Arjun Mitra, the learned counsel for the complainant, on instructions from the complainant, submits that the complainant has no objection in case the offence under Section 138 NI Act is compounded.

34. In view of the settlement arrived at between the petitioner and the complainant, the present case is compounded in terms of Section 147 of the NI Act and consequently the petitioner is acquitted of the offence under Section 138 NI Act.

35. Further, the learned counsel for the complainant submits that the complainant has no objection in case the FIR No. 41/2024 under Section 174A IPC which is an offshoot of the offence under Section 138 NI Act is also quashed.

36. Considering the aforesaid circumstances and regard being had to the fact that the parties have arrived at settlement, no useful purpose will be served in continuing the criminal proceedings under Section 174A IPC. Accordingly, the FIR No. 41/2024 under Section 174A IPC is also quashed with all other consequential proceedings emanating therefrom.

37. The petition stands disposed of in the above terms.

38. Order be uploaded on the website of this court.

VIKAS MAHAJAN
(VACATION JUDGE)

JUNE 7, 2024/N.S. ASWAL