



\$~54

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 940/2019 & CRL.M.(BAIL) 1573/2019, CRL.MA
3229/2024

GULSHAN KUMAR

..... Petitioner

Through: Mr. Yash Punjabi, Adv.

Versus

STATE & ORS.

..... Respondents

Through: Mr. Raj Kumar, APP for State.
Mr. Manoj Kumar, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

02.02.2024

1. The present petitioner was convicted for an offence under Section 138 of NI Act *vide* judgment dated 30.09.2016 passed by the learned MM (North West), Rohini, Delhi and was thereafter, sentenced *vide* order dated 27.10.2016.
2. An appeal preferred by the petitioner against the said judgment and order also came to be dismissed by an impugned judgment dated 30.08.2019.
3. During the pendency of the present petition, the parties were referred to the Delhi High Court Mediation and Conciliation Centre, where the parties arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Agreement dated 14.12.2023.
4. As per the terms of the Settlement, the petitioner agreed to pay a total sum of Rs. 9 lacs towards the entire claim of the respondent/ complainant and the same was paid by way of a Demand Draft bearing No.082443 dated 05.12.2023.



5. The Authorised Representative of the respondent no.2, who has joined through VC, acknowledges having received the said Demand Draft in full and final settlement of all the claims of the respondent no.2. On a query posed by the Court, he states that the respondent no.2 has no objection in case that the matter is compounded. The Authorised Representative of respondent no.2 has been identified by his counsel.
6. In view of the above, the offence under Section 138 of NI Act is compounded and the impugned judgment dated 30.08.2019 is set aside and the petitioner is acquitted of the offence under Section of 138 NI Act.
7. The learned counsel for the petitioner also invites the attention of the Court to the order dated 06.09.2019 to submit that FDR in the sum of Rs. 15 lacs was deposited by the petitioner in the name of Registrar General of this Court in terms of the said order.
8. He submits that since the matter has been compounded, therefore, the said FDR be released to the petitioner. The prayer of the petitioner is not opposed by the learned counsel for the respondent no.2.
9. In view of the above, it is directed that the amount of the FDR deposited with the Registrar General of this Court in terms of the order dated 06.09.2019 be released to the petitioner along with interest accrued thereon.
10. The petition along with pending applications stand disposed of.

FEBRUARY 2, 2024/dss

VIKAS MAHAJAN, J