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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 1114/2023 & CRL.M.A. 4323/2024**

MRS KIRTI VIJ THROUGH HER
HUSBAND MR AVNISH VIJ Petitioner

Through: Mr. Prithu Garg, Mr. Parth
Bhatia & Mr. Shivam Singh,
Advocates

versus

STATE THROUGH NCT OF DELHI
& ANR. Respondents

Through: Mr. Pradeep Gahlot, APP for the
State.
Mr. Oja Singh & Mr. Vivek
Bhaduria, Advocates for R-2
with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
09.02.2024

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1. The present petition is filed under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 ('CrPC'), against the judgment dated 17.10.2023, in Criminal Revision Case No. 628/2019, passed by the learned ASJ-03 (South-East), Saket Courts, Delhi, whereby the appeal filed by the appellant against the judgment dated 31.10.2019, and order on sentence dated 23.11.2019, passed by the Learned MM-03 (NI Act), South-East, Saket Courts, Delhi, was dismissed.

2. By the judgment dated 31.10.2019 passed by the learned MM (NI Act), South-East, Saket Courts, Delhi, the petitioner was convicted for offence punishable under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act'), and by the order on sentence dated 23.11.2019, the petitioner was sentenced to undergo simple imprisonment for a period of one month and to



pay fine for a sum of ₹4,75,000/- to the complainant/Respondent No.2 as compensation, and in default of payment of fine, she was sentenced to undergo further simple imprisonment for a period of three months.

3. The learned counsel for the parties submit that the parties have settled their disputes pursuant to which a sum of ₹4,75,000/- (Rupees Four Lakh Seventy Five Thousand Only), towards the amount of fine, has already been paid to the Respondent No.2, and another sum of ₹50,000/- (Rupees Fifty Thousand Only) has been handed over to Respondent No. 2 today, by way of a Demand Draft bearing No. 293678, dated 12.12.2023, drawn on Kotak Mahindra Bank Ltd.

4. Respondent No.2 is present in person before this court, and on being asked, submits that he does not wish to pursue any case against the petitioner. He submits that he has no objection if the order on sentence and punishment awarded by the learned MM (NI Act), South-East, Saket Courts, Delhi, in CC No. 7506/2017 for offence punishable under Section 138 of the NI Act, is set aside. He submits that since he has received the amount of fine and also the compensation, he is satisfied and has no grievance against the petitioner.

5. The offence under Section 138 of the NI Act is compoundable. Even though the petitioner has been convicted in the present case, and his appeal has also been dismissed by the Appellate Court, however, keeping in mind the fact that no grievance of Respondent No. 2 remains against the petitioner, this Court considers it apposite to compound the offence and set aside the imprisonment awarded by the order on sentence dated 23.11.2019.

6. In view of the above the judgment dated 30.10.2019 and
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order on sentence dated 23.11.2019 in CC No. 7506/2017 are set aside.

7. The petition is disposed of in the aforesaid terms.
8. The date already fixed, i.e. 15.03.2024, stands cancelled.

AMIT MAHAJAN, J

FEBRUARY 9, 2024/ 'hkaur'