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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(NI) 15/2024**
BOANERGES LOATHE TRAVEL PVT LTD & ANR.

.....Petitioners

Through: Mr. Keshav Raj, Adv.

versus

THE STATE NCT OF DELHI & ANR.Respondents

Through: Ms. Manjeet Arya, APP for the State.
Mr. Farrukh Tavish, Adv. for R-2
alongwith R-2 (through VC).

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **19.09.2024**

CRL.M.A. 27698/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.REV.P.(NI) 15/2024, CRL.M.(BAIL) 1539/2024

1. Revision Petition under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioners with the following prayer:

"1. This Hon'ble Court maybe pleased to for setting aside the order of conviction dated 06.08.2024 By the court of sh. Vishal singh, additional Sessions judge-05, south east district, new Delhi in c.a. no. 226/2018 as the offence under Section 138 N.I. Act is compoundable under Section 147 of Negotiable Instrument Act, 1881, between the petitioner and Respondent based on the settlement deed Dated 30TM august, 2024 entered into between The petitioner no. 2 (through pehrokar) and Respondent no.2"

2. Issue notice. Learned APP for the State/respondent no. 1 and learned counsel for respondent no. 2 alongwith respondent no. 2 (through VC) appear



on advance notice and accept notice.

3. Learned counsel for petitioners submits that petitioners were convicted for offence under Section 138 Negotiable Instruments Act, 1881 ('NI Act') vide judgment dated 26.03.2018 and sentenced vide order dated 31.03.2018. The aforesaid judgment of conviction and order on sentence passed by learned Trial Court was upheld by the Appellate Court vide judgment dated 06.08.2024. He further submits that since matter has been compromised and settled with respondent no.2 (Sneha Jaiswal) in terms of Settlement dated 28.08.2024 (notarized on 30.08.2024), the offence may be permitted to be compounded. A sum of Rs.3 lacs is stated to have been paid towards full and final settlement of all claims of the respondent no.2 (Sneha Jaiswal).

4. Respondent no. 2 (through VC) submits that she has received a sum of Rs.3 lacs towards full and final settlement of all claims and prays that offence may be permitted to be compounded as agreed between the parties.

5. It is well settled that the offences relating to dishonour of cheques under Section 138 NI Act are regulatory offences confined to the private parties. generally involved in commercial transactions. The compounding of the offences under Section 147 NI Act though may be encouraged at initial stages, but there is no bar for permitting compounding of offence even after conviction or at the appellate stage.

6. Since petitioners and respondent no.2 have voluntarily entered into a settlement without any threat, pressure or coercion, the offence under Section 138 NI Act is permitted to be compounded at this stage.

The judgment of conviction dated 26.03.2018 and order on sentence dated 31.03.2018 passed by the learned Trial Court, as well as judgment dated 06.08.2024 passed by the learned Appellate Court are accordingly set aside.



No further costs are imposed on petitioner No.2 since he is in custody from 06.08.2024 and is in a poor financial condition. Petitioner no.2 (Noel Patrick Khakha) is accordingly directed to be released forthwith.

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

A copy of this order be forwarded to the learned Trial Court, Appellate Court and Superintendent Jail for information and compliance.

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 19, 2024

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