



\$~71

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

+ **CRL.REV.P.(NI) 37/2024, CRL.M.A. 31539/2024, CRL.M.(BAIL)
1726/2024**

AJAY KUMAR

.....Petitioner

Through: Mr. D. K. Singh, Mr. Rishabh Kumar
Singh and Mr. Joginder Kumar,
Advocates.

versus

MUKESH TANWAR

.....Respondent

Through: Mr. Deepak Gaur, Advocate with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

%

24.10.2024

CRL.M.A. 31538/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

**CRL.REV.P.(NI) 37/2024, CRL.M.A. 31539/2024, CRL.M.(BAIL)
1726/2024**

1. The present petition has been filed challenging the judgment dated 05.10.2024 in Crl. A. 252/2023 passed by learned ASJ-02, South District, Saket Courts, whereby the appeal filed against the judgment of conviction dated 06.06.2023 and order of sentence dated 14.07.2023 of the learned MM was dismissed. The petitioner was convicted for the offence punishable under Section 138NI Act vide judgment of



conviction dated 06.06.2023 and sentenced to undergo imprisonment for a period of six months and fine of Rs.8,60,000/- to be paid within six months of the order on sentence dated 14.07.2023, and out of the said amount 10% was directed to be deposited in the Delhi Legal Aid Services Authority and in default of payment of fine, simple imprisonment for a period of one month.

2. Learned counsel for the petitioner submits that pursuant to filing of the present petition, the parties have entered into a settlement and an application under Section 147 of N.I. Act has been filed for compounding of the offence.
3. Both the parties are present in court and have been identified by the IO.
4. The statement of the complainant has been recorded by this court separately wherein he has stated that he has compounded the matter with the petitioner, namely, Ajay Kumar relating to a Complaint Case No.11447/2018 titled as 'Mukesh Tanwar vs. Ajay Kumar' under Section 138 of N. I. Act. The dispute has been stated to be resolved voluntarily, out of his own free will, without any threat, fear, force or coercion. He also stated that as per the understanding arrived at, he has been paid Rs. 6,50,000/ vide DD No.553945 dated 11.10.2024 drawn on Punjab National Bank, Lodhi Road, New Delhi.
5. It is to be remembered that dishonour of cheques is a regulatory offence which was made an offence only in view of public interest so that the reliability of these instruments can be ensured. When the accused and complainant have resolved their dispute amicably, this court thinks that the matter should be compounded as it would not serve any purpose. The Court is of the view that 'compensatory aspect' of remedy shall



have priority over the 'punitive aspect', while compounding of offences under the NI Act if parties are willing to do so.

6. Considering the totality of the circumstances and compromise between the parties, the petition is allowed. The matter is compounded
7. The petitioner be released from Jail forthwith, if not, required in any other case.
8. Copy of this order be sent to the concerned Jail superintendent and the concerned Learned Trial Court for information and compliance.

DINESH KUMAR SHARMA, J

OCTOBER 24, 2024/ssc..