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

+ CRL.REV.P.(NI) 51/2024 & CRL. MAs 34360-61/2024

KAVITA

....Petitioner

Through: Mr. Sanjay Rathi and Ms. Chitra Gupt
Dagar, Advocates.

versus

ISHWAR SINGH

....Respondent.

Through: Mr. A.N. Aggarwal, Ms. Nupur
Sachdeva, Ms. Hemlata Garg, Ms.
Meenakshi, Ms. Sonia, Mr. Parikshit
Bajaj, Advocates with respondent in
person.

+ CRL.REV.P.(NI) 53/2024 & CRL. MAs 34365-66/2024

KAVITA

....Petitioner

Through: Mr. Sanjay Rathi and Ms. Chitra Gupt
Dagar, Advocates.

versus

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Through: Mr. A.N. Aggarwal, Ms. Nupur
Sachdeva, Ms. Hemlata Garg, Ms.
Meenakshi, Ms. Sonia, Mr. Parikshit
Bajaj, Advocates with respondent in
person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

18.11.2024

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1. By way of present petitions, the petitioner seeks to assail the judgments dated 06.11.2024 passed by learned ASJ, Dwarka Courts, New Delhi in CA Nos.458/2023 and 459/2023 in the proceedings initiated under Section 138 NI Act, 1881 vide which the petitioner's conviction has been



upheld.

2. The petitioner was initially convicted for the offence under Section 138 NI Act vide order of conviction dated 24.07.2023 and vide order on sentence dated 31.07.2023, was sentenced to undergo imprisonment for a period of one month and was further directed to pay compensation of Rs.17 lacs to the complainant within a period of 60 days, and in default of payment of compensation, petitioner was directed to undergo further simple imprisonment for a period of six months.

3. Notably, it appears that the respondent had also preferred civil proceedings and had filed an execution petition being Exe. Civil No.48/2023, during the pendency of which, the parties reached an amicable settlement before the Delhi Mediation Centre, Dwarka Courts, New Delhi on 23.02.2024. In terms of the settlement, the petitioner had agreed to pay a sum of Rs.28.50 lacs in full and final settlement towards all the claims, which has already been paid, albeit with a delay. Concededly, the entire amount was received by the respondent on 22.10.2024. However, vide the impugned judgments, the Appellate Court, while also noting the delay, proceeded and upheld the judgment of conviction.

4. Learned counsel for the petitioner submits that the impugned judgment came to be passed only for the reason that the petitioner had not adhered to the timeline in terms of the settlement agreement.

5. Learned counsel for the respondent concedes to the fact that the entire amount was received on 22.10.2024 in terms of the settlement, however, with a delay of around two months.

6. During the course of hearing, Mr. Rathi, learned counsel for the petitioner, on instructions from the petitioner, submits that in order to put all



the disputes to rest, the petitioner is ready and willing to pay a total sum of Rs.1 lac towards both the complaints as compensation for the delayed payment and orally prays that the matter be compounded. He further states that the petitioner undertakes to pay the amount of compensation for delayed payment within four weeks. The undertaking is accepted and is taken on record and the petitioner is made bound by the same.

7. Learned counsel for the respondent, upon instructions from the respondent, also fairly submits that subject to the receipt of the aforesaid payment, the respondent has no objection to the compounding of the offence. He further states that all the claims of the respondent shall stand satisfied after receipt of the aforesaid amount of Rs.1 lac.

8. Subject to the petitioner paying the aforesaid sum within four weeks, the offence under Section 138 NI Act as well as the complaint cases bearing CC Nos. 11952/2020 and 11953/2020 stand compounded and accordingly, the petitioner stands acquitted.

9. Considering the fact that the parties have been able to reach an amicable settlement before the Appellate Court which has fructified before this Court in revisional proceedings, cost of Rs.5,000/- in each case is imposed upon the petitioner to be deposited by the petitioner with the Delhi State Legal Services Authority (A/c No. 18580110053263, UCO Bank, Branch : Rouse Avenue, IFSC : UCBA0003364) within a period of four weeks from today. The amount so deposited shall be utilized by the DSLSA for providing counselling/psychological support to POCSO victims requiring such assistance.

10. The petitions are disposed of in above terms alongwith pending applications.



NOVEMBER 18, 2024/rd

MANOJ KUMAR OHRI, J