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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9655/2024 & CRL.M.A. 37057/2024**
BHOPAL SINGH

.....Petitioner

Through: Mr. Montu, Mr. Jagdish Diwakar,
Advs.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondent

Through: Mr. Sunil Kr. Gautam, APP
Mr. Hemant Pathak, Adv. for Vipin Dilawari, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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09.12.2024

CRL.M.A. 37057/2024-EX.

1. Allowed subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 9655/2024

3. This is a petition seeking setting aside of the order of sentence dated 23.04.2024 passed by the learned MM-01, District North East, Karkardooma Courts, Delhi in CC No 890/2017 titled as "*The Bhajanpura Co-operative Thrift & Credit Society Ltd. v. Bhopal Singh*" whereby the petitioner has been sentenced to undergo simple imprisonment for 10 months and the same was upheld *vide* order dated 14.11.2024 in CRL.A. 98/2024 by the learned ASJ in Karkardooma Courts, Delhi.
4. The petitioner was convicted for offence under section 138 of the Negotiable Instruments Act (NI Act), 1881.



5. The parties have arrived at a settlement dated 04.12.2024, wherein the petitioner has paid the settled amount of Rs. 2,75,000/- through DD No. 103102 dated 29.11.2024 drawn on Axis Bank to the respondent No.2.

6. The counsels for the petitioner are present in Court and have filed their *Vakalatnama*.

7. Mr. Pathak, learned counsel appears on behalf of the respondent No.2 for and on behalf of Mr. Vipin Dilawari, Advocate (Mobile No. 9312203957) (BCD Enroll. No D/2024/2009).

8. The learned counsel state on behalf of respondent No. 2 that they have arrived at the settlement out of their own free will without any threat, pressure, coercion or undue influence.

9. Since it was a complaint case and it has been settled to the satisfaction of the complainant, I am satisfied that the closure of the proceedings is in the interest of justice and will prevent valuable judicial time.

10. The Hon'ble Supreme Court in a similar matter in "*Ghanshyam Gautam & Anr. v Usha Rani (Since Deceased) Through LRs,*" 2024 LiveLaw (SC) 23 has quashed proceedings under Section 138 of the NI Act,1881 wherein the appellant was convicted and was further sentenced. The operative portion reads as under:-

"4. Considering the overall facts and circumstances of the case, we are of the view that once the settlement has been arrived at and the complainant has signed the deed accepting a particular amount in full and final settlement of the default amount and the fine amount awarded by the Trial Court, the proceedings under Section 138 of the NI Act need to be quashed."

11. Since the matter has been settled and since the respondent No.2 has no objection to quashing the complaint and subsequent orders passed by the



learned Trial Court (including the order on sentence) upheld in the appellate Court, the same is set aside and it is directed that the petitioner be released from jail.

12. Copy of this order be supplied to the Jail Superintendent, Mandoli Jail.

13. The 20% of the compensation has already been deposited with the appellate Court. The said amount can be released to the respondent No.2 through authorized counsel/ representative, for which the petitioner has no objection.

14. The petition is disposed of.

JASMEET SINGH, J

DECEMBER 9, 2024 / (MS)

[Click here to check corrigendum, if any](#)