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

+ **CRL.REV.P.(NI) 63/2025, CRL.M.(BAIL) 470/2025, CRL.M.A.
7860/2025**

VISHAL GUPTA

.....Petitioner

Through: Mr. Arjun Anand, Ms. Priyam
Wadhawan, Mr. Antriksh Tiwari, Mr.
Abdul Humair Baig, Advocates.

versus

M/S MAHADEV ENTERPRISES

.....Respondent

Through: Counsel (appearance not given).

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

12.03.2025

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CRL.M.A. 7861/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**CRL.REV.P.(NI) 63/2025, CRL.M.(BAIL) 470/2025, CRL.M.A.
7860/2025**

3. By way of this petition, the petitioner seeks setting aside of the judgment dated 31.01.2025 passed by the learned ASJ (FTC-I), Tis Hazari Courts, Delhi in CA No. 222/2019, whereby judgment dated 04.04.2019 passed by learned MM-04 (NI Act), Central District, Tis Hazari Courts, Delhi in CC No. 525014/16 was upheld.
4. Issue notice. The learned counsel appearing on behalf of respondent accepts notice.
5. The learned counsel appearing for the parties inform this Court that



the petitioner is running in judicial custody in the present case.

6. Brief facts, as discernable from the material on record, are that on 11.03.2014, as alleged, the petitioner herein had purchased dry fruits worth Rs. 10,01,669/- from the respondent and had paid the consideration amount in cash. On 13.03.2014, the petitioner had purchased dry fruits worth Rs. 25,14,073/- and had paid the consideration amount in cash. From 17.03.2014 to 19.03.2014, the respondent had sold dry fruits worth Rs. 85,00,000/- to the petitioner and against the said sale, the petitioner had given cheques of Rs. 10,00,000/- each bearing No. 744001-744005, drawn on State Bank of India, Branch Chandni Chowk, Delhi. On 19.03.2014, the respondent had presented the alleged cheques in his bank namely IDBI Bank Ltd, Chandni Chowk, Delhi for realization. However, the said cheques were returned as the same were dishonored with the reason "*Payment Stopped by Drawer*" as mentioned on the memo given by the respondent's bank.

7. However, it is stated that during the pendency of the present petition, both the parties have arrived at an amicable settlement, voluntarily.

8. On a query made by this Court, respondent, who has been identified by his counsel, has categorically stated that he has agreed to compromise out of his own free will and without any pressure, coercion or threat. Further, it is also stated by respondent no. 2 that the entire dispute has been amicably settled/compromised between the parties and the respondent has received an amount of Rs. 25,00,000/- (By way of Five Different Demand Drafts of Rs.5,00,000/- each, drawn on Bank of India) and therefore, respondent has no objection if the FIR is quashed.

9. In the case at hand, the parties have amicably resolved their differences on their own free will, and without any coercion, and thus, no



useful purpose will be fulfilled by continuing the proceedings, rather the same would create further acrimony between them.

10. It is also a settled law that offence under Section 138 of NI Act can be settled and compounded at any stage under Section 147 of NI Act, and when a person is allowed to compound the offence, his conviction can be set aside [See *Damodar S. Prabhu v. Sayed Babalal H.*: (2010) 5 SCC 663; *K.M. Ibrahim v. K.P. Mohammed & Ors* (2010) 1 SCC 798; *Vinay Devanna Nayak v. Ryot Sewa Sahakari Bank Ltd.* (2008) 2 SCC 305]. Since the matter has been settled between the parties and petitioner has cleared all his dues towards respondent, there is no legal impediment in allowing the present petition.

11. Accordingly, judgment dated 31.01.2025 passed by the learned ASJ (FTC-I), Tis Hazari Courts, Delhi in CA No. 222/2019, is set aside. The judgment dated 04.04.2019 passed by learned MM-04 (NI Act), Central District, Tis Hazari Courts, Delhi in CC No. 525014/16 is also set aside.

12. The petitioner be released forthwith, if not required in any other case.

13. Accordingly, the present petition along with pending applications stands disposed of.

14. Copy of this order be forwarded to the Jail Superintendent concerned.

15. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 12, 2025/zp

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