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

+ **CRL.REV.P.(NI) 104/2025**

SHRI PRADEEP KUMAR TIWARI

..... Petitioner

Through: **Mr. C.S.S. Tomar & Mr. Naveen
Kumar, Advs.**

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: **Mr. Ajay Vikram Singh, APP for the
State.**

**SI Akash Kumar & PSI Naveen
Yadav, P.S. Bhajanpura
Respondent No. 2 in person.**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

24.04.2025

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1. This hearing has been done through hybrid mode.

**CRL.REV.P.(NI) 104/2025 & CRL.M.A. 11672/2025 (Compounding of
Offence) & CRL.M.(BAIL) 852/2025**

2. The present petition under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Sections 397/401 of the Cr.P.C.) seeks the following prayers: -

“(i) permit the convict/accused to compound the offence/matter with the complainant/respondent No.2, arising out of the Judgment and sentence passed by Ms. Nidhi Bala, Ld. M.M., Digital Courts, (N-E), KKD Courts, Delhi in CC No. 663/2021, U/s 138 NI Act, P.S. Bhajanpura convicted the convict/accused on 25.11.2022 and sentenced him on Dt.02. 12.2022, and in CA No. 38/2023 arising out of said Judgment and sentence convicting the accused/convict, dismissing the appeal on 09.11.2023 by Ms. Savirti. Ld. ASJ.. (North-East). KKD Courts, Delhi and quash the entire proceedings arising out of the said complaint and direct the Mandoli Jail authorities to release



the convict/accused, in the interest of justice. (ii) Any other order(s) or direction(s), which this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case may also kindly be passed in the favour of convict/accused, in the interest of justice.”

3. The present petitioner was convicted by the learned Metropolitan Magistrate for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, ‘NI Act’) in CC No. 663/2021 *vide* judgment of conviction dated 25.11.2022 and order on sentence dated 02.12.2022, the petitioner has been sentenced to undergo simple imprisonment for 1 year alongwith fine of Rs. 3,02,900/- which was equal to the amount double of the cheque amount bearing no. 617630 dated 30.03.2021 in the sum of Rs. 1,00,000/- and 617629 dated 25.04.2021 in the sum of Rs. 51,450/- along with simple interest at the rate of 10 % p.a. from the date of the cheques (i.e., 30.03.2021 and 25.04.2021, respectively) till the date of judgment (i.e., 25.11.2022).
4. The aforesaid conviction was challenged by the petitioner by way of an appeal being CA No. 38/2023, which was dismissed *vide* the impugned judgment dated 09.11.2023. The petitioner, thereafter, did not appear and was declared a proclaimed offender on 26.10.2023. Subsequently, he was arrested on 21.03.2025 and was sent to judicial custody and since then, he has been in judicial custody.
5. Learned counsel appearing on behalf of the petitioner submits that the matter has since been settled between the parties *vide* a settlement deed dated 03.04.2025, whereby, respondent No. 2 has received a sum of Rs. 1,50,000/- as full and final settlement and he has no objection if the present case is compounded.
6. On the last date of hearing, Respondent No. 2 had appeared in Court



and submitted that he has no objection if the present case is compounded.

7. On the basis of the aforesaid statement, given by the respondent No.2 on the last date of hearing, *i.e.*, 21.04.2025, the petitioner was given interim bail till today. Learned counsel for the petitioner submits that the latter could not furnish a surety in terms of order dated 21.04.2025 and is stated to be in judicial custody.

8. Verification report authored by SHO Bhajanpura has been handed over in Court today verifying the credentials of respondent No.2 and the same is taken on record.

9. Respondent No.2 is present in Court today and submits that the aforesaid demand draft has been encashed. He further submits that he wishes to compound the present offence.

10. In view of the above, the application being CRL.M.A. 11672/2025 seeking compounding of the present offence is allowed and disposed of. Offence punishable under Section 138 of the NI Act stands compounded between the petitioner and respondent No.2/complainant. The judgment of conviction dated 25.11.2022 and order on sentence dated 02.12.2022 passed by learned Metropolitan Magistrate in CC No. 663/2021 and the judgment dated 09.11.2023 passed by learned ASJ in Criminal Appeal No. 38/2023 are hereby set aside and quashed.

11. In view of the compounding of the aforesaid offences, the present petition is allowed and disposed of along with all pending applications, if any.

12. Petitioner stands acquitted.

13. In view of the fact that the petitioner has been acquitted, he may be released from the jail *forthwith*, if his custody is not required in any other case.

14. Copy of the order be given *dasti* to learned counsel appearing on behalf



of the petitioner under signatures of the Court Master.

15. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance through special messenger as well as electronically.

16. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

APRIL 24, 2025/nk

Click here to check corrigendum, if any