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

% ***Date of decision: 30.05.2025***

\+ CRL.REV.P.(NI) 130/2025

MANISH KUMAR

.....Petitioner

Through: Mr. Brahmanand Gupta, Adv. along with petitioner.

versus

AMIT CHAUDHARY

.....Respondent

Through: Ms. Rubina Bano, Adv. along with respondent.

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J (ORAL)

CRL.M.A. 16997/2025 (Exemption)

1. Allowed, subject to all just exceptions.

2. The application stands disposed of.

CRL. REV. P. (NI) 130/2025, CRL. M. A. 16998/2025, CRL. M. B. 1202/2025

3. The present revision petition under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita 2023 has been filed, on behalf of the petitioner, assailing the Order and Judgment dated 14.05.2025 (Impugned Judgment) passed by learned Additional

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Sessions Judge-02, West District, Tis Hazari Courts, Delhi ("Sessions Court") in Criminal Appeal No. 322/2023 titled as "***Sh. Manish Kumar vs. Sh. Amit Chaudhary***".

4. The learned counsel for the petitioner submits that the learned Sessions Court *vide* the Impugned Judgment has erred in upholding the Judgment dated 18.08.2023 and Order on Sentence dated 22.08.2023 passed by the learned Metropolitan Magistrate-01, NI Act, West Delhi, Tis Hazari Courts, Delhi in Ct. Case No. 2779/2017 titled as "***Sh. Amit Chaudhary vs. Sh. Manish Kumar***", whereby he has been held guilty for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo Simple Imprisonment for a period of 04 months and to pay a fine of Rs. 9,09,000/- to the complainant and in default, to undergo further Simple Imprisonment for 03 months.

5. The learned counsel further submits that *vide* the Impugned Judgment, the petitioner has been directed to pay fine of Rs. 9,09,000/- (with interest 8% per annum approximately) to the respondent as per Section 143 (1) (Proviso) NI Act read with Section 357(1)(3) of Cr.P.C. It is submitted that the compensation amount has been paid to the respondent by way of Demand Draft in the sum of Rs. 3,00,000/- and in cash in the sum of Rs. 4,20,000/- and the balance amount payable i.e. Rs. 2,00,000/-, is lying deposited before the learned Trial Court for which the respondent can move appropriate application for release of the amount.

6. He submits that pursuant to the Impugned Judgment, the parties

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with intervention of family members, relatives, and mutual acquaintances, the parties have arrived at an amicable and voluntary resolution of all disputes persisting between them *vide* the Memorandum of Understanding (MoU)/Settlement Deed dated 23.05.2025.

7. In furtherance thereof, the petitioner has undertaken to pay an amount of Rs. 9,00,000/- as full and final settlement of all the claims of the respondent.

8. The respondent, present in Court, upon being queried, affirms that he has already received amount of Rs.7,20,000/- from the petitioner and for the balance amount, which is lying deposited before the learned Trial Court, he shall move appropriate application for release thereof.

9. In view of the above, since the petitioner has paid the compensation amount and the offence punishable under Section 138 of the NI Act stands compounded, the present petition is allowed and the conviction awarded to the petitioner is hereby set aside, thus, he is acquitted in the present case, subject to the condition that on moving appropriate application by the respondent before the learned Trial Court, the balance amount is released to him.

SHALINDER KAUR, J

MAY 30, 2025/ss/kp

Click here to check corrigendum, if any

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