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

+ **CRL.M.C. 4887/2022 & CRL.M.A. 19569/2022**

RAMA RAO

.....Petitioner

Through: Mr. Vikram Hegde, Mr. Abhinav
Hansaraman, and Mr. Trishan Dollny,
Advocates

versus

PEPSICO INDIA HOLDINGS PRIVATE LIMITEDRespondent

Through: Mr. Dheeraj Nair, Mr. Angad Baxi
and Ms. Aparna Singh, Advocates

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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15.10.2025

1. By way of the present petition, the petitioner seeks setting aside of the impugned order dated 27.10.2021 passed by the learned Metropolitan Magistrate, Rouse Avenue Court, Delhi in Criminal Complaint No. 29328/2016.

2. Brief facts of the case are that the respondent i.e. Pepsico India Holdings Pvt. Ltd. is engaged in the production and sale of soft drinks, packaged water, and snack foods under brands like Lays, Kurkure, Pepsi, and Aquafina. The petitioner is a partner in M/s Sri Tirumala Agencies, a partnership firm engaged in marketing and selling bakery and confectionery products. It is stated that on 10.12.2012, the respondent had entered into a distributorship agreement with M/s Tirumala Agencies, through the



petitioner, for selling its "FritoLay" products. The Respondent had regularly supplied products as ordered, and the petitioner had made corresponding payments. It is stated that on 20.03.2015, the petitioner, on behalf of Sri Tirumala Agencies had issued a Cheque bearing No. 080945 dated 20.03.2015 for an amount of ₹1,70,825 against the respondent's Invoice No. 3701522633 of the same date. On 23.03.2025, the petitioner, on behalf of Sri Tirumala Agencies had issued a cheque bearing No. 080944 dated 23.03.2015 amounting to ₹5,81,630 against the respondent's Invoice No. 3701522672. Both cheques were drawn on ING Vysya Bank Ltd., Saroor Nagar Branch, Hyderabad, however, the same were got dishonoured. It is stated that on 06.05.2015, the respondent had issued a notice to the petitioner, dated 01.06.2015 stating that cheque no. 1, presented through CITI Bank, Chennai, was dishonored on 06.05.2015 with the remark "Payment Stopped by Drawer" and cheque No. 2, presented through CITI Bank, Chennai, was dishonored on 06.05.2015 with the remark "Payment Stopped by Drawer." It is stated that on 01.06.2015, the respondent had sent two legal notices to the petitioner by registered post, demanding payment of ₹7,52,455 within 15 days of receipt of the same. However, the petitioner had not responded to the same. Aggrieved by the same, the respondent had initiated legal proceedings by filing Criminal Complaint No. 29328 of 2016 before the Hon'ble Chief Metropolitan Magistrate, Patiala House, against the Petitioner for alleged offences under Sections 138 and 142 of the Negotiable Instruments Act, 1881.

3. The petitioner was summoned for commission of offence under Section 138 of NI Act by the learned Metropolitan Magistrate-01 (NI Act). It is stated that during the pendency of the case, the matter has amicably



been settled between both the parties before the Delhi High Court Mediation and Conciliation Centre, Delhi High Court, New Delhi vide Settlement Agreement dated 25.07.2025.

4. On a query made by this Court, the respondent has categorically stated that he has entered into compromise out of his own free will and without any pressure, coercion or threat. He also states that he has received the entire amount. Therefore, he has no objection if the present proceedings against the petitioner herein are quashed.

5. Considering the overall facts and circumstances of the case and the fact that the respondent has received the entire payment due to him as per Settlement Agreement dated 25.07.2025 and has no objection, if the impugned order is set aside, the impugned order dated 27.10.2021 passed by the learned passed by the learned Metropolitan Magistrate, Rouse Avenue Court, Delhi in Criminal Complaint No. 29328/2016 is set aside.

6. In view of the above, the present petition stands disposed of.

7. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 15, 2025/ns