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

+ CRL.REV.P.(NI) 168/2025 and CRL.M.A. 22544/2025 &
CRL.M.(BAIL) 1643/2025
HARI SHANKAR PRASADPetitioner

Through: Mr. Vijay Datt Gahtori, Mr. Shivam
Gautam and Mr. Rishabh Rai,
Advocates.

versus

MEENA DEVI

.....Respondent

Through: None for the Respondent.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

% **23.09.2025**

CRL.REV.P.(NI)168/2025

1. Grievance of the petitioner herein is against the judgement dated 29.10.2024 passed by the learned ASJ, Dwarka Courts, in Criminal Appeal no.241/2023, whereby the judgement of conviction was maintained and order on sentence was modified on the basis of compromise between the parties, to the extent that if the petitioner paid Rs. 3,00,000/- on or before 30.06.2025 with 9% interest w.e.f 12.04.2023 till its realisation, no action would be taken against him, but in case of default, the petitioner will undergo simple imprisonment for 1 year and compensation would be recoverable even after undergoing default sentence.

2. Briefly speaking, the facts giving rise to filing of the present revision petition are:-

2.1 The complainant/respondent filed a complaint under Section 138 of



the Negotiable Instruments Act against the petitioner, alleging that the petitioner had taken a friendly loan of Rs. 3,00,000/- on 28.08.2019, based on assurances from Kailash Kumar Lal Das, known to both parties. The petitioner acknowledged the loan through a handwritten note dated 28.08.2019 promising repayment within two years and issued a post-dated cheque No. 000015 dated 27.09.2021, drawn on Bank of Baroda, New Delhi, for Rs. 3,00,000/-. However, the cheque was dishonoured on 30.09.2021 due to insufficient funds.

2.2 The respondent served legal demand notice dated 04.10.2021 and on non-payment by the petitioner filed the complaint.

2.3 *Vide* the judgement of conviction dated 16.03.2023 and order on sentence dated 12.04.2023, passed by learned MM, Dwarka Courts in case CA No. 241/2023, was held guilty under Section 138 of Negotiable Instruments Act, 1881 (for short 'the Act') and sentenced to undergo simple imprisonment for a period of one year and fine of Rs 5,00,000/- (Five Lakh Rupees Only), which shall be paid to the complainant as compensation u/s 357 Cr.P.C. The petitioner was directed to pay the fine within 60 days and to undergo further simple imprisonment in default of payment of fine for three months.

2.4 The petitioner filed appeal against the judgement of conviction and order on sentence and the Sessions Judge disposed of the appeal based on a compromise *vide* the impugned judgement dated 29.10.2024.

3. Learned counsel for the petitioner, at the outset, submits that the matter stands settled between the parties and now nothing is due from the petitioner towards the complainant/Respondent. The learned Counsel further submits that the petitioner seeks compounding of the offence and disposal of



the instant revision petition on the basis of the compromise between the parties.

4. Learned Counsel for the petitioner further submits that the parties have compromised the matter. He states that as per compromise, the respondent herein does not want to pursue the case any further and has no objection if the revision petition is accepted and petitioner is acquitted. That is why none is appearing for respondent either today or even on earlier hearing. He further urges that no useful purpose would be served by keeping the present proceedings pending.

5. In the aforesaid, I have heard the learned Counsel for the parties, as well as perused the case file.

6. This court considered the matter, in view of the compromise gave time for making payments *vide* an order dated 04.08.2025, which for the ease of reference is reproduced as below: -

1. Inter alia, learned counsel for the petitioner contends that the petitioner is living in sheer penury and is a complete pauper as on today. Having been visited with financial calamity, he is unable to pay despite his having given undertaking to do the same in terms of the impugned order dated 29.10.2024 passed by the learned Sessions Judge.

2. It transpires that the parties had mutually settled their dispute pursuant to which the petitioner had agreed to pay a sum of Rs.3 Lakhs, out of which, only Rs.1 Lakh has been paid.

3. Subject to the payment of Rs. 1 lakh within 7 days from today, no coercive steps shall be taken against the petitioner till the next date of hearing.

4. After the aforesaid payment of Rs.1 Lakh, the last payment of Rs.1Lakh shall be payable within 7 days thereafter.

5. On the next date of hearing, the petitioner shall furnish the proof of payment of Rs.1 Lakh as aforesaid.

6. List on 12.08.2025 to await the payment as aforesaid.

7. Thereafter, the matter came up before this Court for hearing on



21.08.2025 and time for further payment was given. The order dated 21.08.2025 is reproduced as below: -

- 1. It transpires that the principal amount of Rs.3,00,000/- already stands paid.*
- 2. The husband of the complainant/respondent appears through VC and states that his wife is in some personal difficulty today, but he submits that she is agreeable to settle the matter with the petitioner in case 10% interest is paid on the principal amount of Rs.3,00,000/- i.e. another sum of Rs.30,000/-. She would then not be interested to press any charges against the petitioner herein. The said offer is acceptable to the Revisionist who is present in Court. He seeks a short accommodation to arrange the money.*
- 3. List on 15.09.2025. The proof of the amount payment of Rs.30,000/- to the respondent be furnished by the next date of hearing.*
- 4. Interim bail granted to the Revisionist, in the meantime is extended up to the next date of hearing.*

8. Learned counsel for the petitioner states that in terms of the order dated 04.08.2025 and 21.08.2025, the entire outstanding has now been paid, and he has furnished proof of the same which is taken on record.

9. Having heard, it is borne out that the parties have arrived at an amicable settlement, as aforesaid. Offence committed by the petitioner is not a crime against society at large but more of a civil dispute bordering quasi criminal due to a cheque dishonor.

10. The criminal charges were earlier pressed by the Respondent against the petitioner. It is not a case where State is the prosecutor. Respondent herself does not now seem to be interested to press any charges against the petitioner.

11. Parties are stated to have known to each other. In totality of the circumstances, I am thus of the view petitioner deserves to be acquitted.

12. As an upshot of the discussion, and also for the grounds stated in the petition and for mutual peace and future bonhomie between the parties, and



in the larger interest of justice, revision petition is allowed. Accordingly, the impugned judgment of conviction dated 16.03.2023 is set aside. Petitioner is acquitted of the charges leveled against him.

13. Petition is allowed accordingly.

14. Pending application(s), if any, shall also stand disposed of.

CRL.M.(BAIL) 1643/2025

Application herein is for suspension of sentence and grant of bail to the applicant/petitioner during pendency of present revision petition.

Since the main case is allowed, no further proceedings are warranted. Instant application is rendered infructuous.

ARUN MONGA, J

SEPTEMBER 23, 2025

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