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

\+ CRL.REV.P.(NI) 171/2025

ANKUR GHILDIYAL .....Petitioner

Through: Mr. Rahul Sambaher, Mr. Siddharth Yadaav, Mr. Ayush Kr. Singh, Ms. Kashish Ahuja, Ms. Sneha Bakshiram, Mr. Rahul Yadav, Advs.

versus

SANJEEV PURI .....Respondent

Through: Mr. Sumesh Gandhi, Ms. Himali Gandhi, Advs.

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

O R D E R

% **11.11.2025**

CRL.M.A. 33252/2025(exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CRL.REV.P.(NI) 171/2025 & CRL.M.A. 33251/2025 *(seeking compounding of offence under Section 138 of NI Act)*

1. This is an application under Section 147 of the Negotiable Instruments Act, 1881 read with Section 528 BNSS seeking compounding of offence under Section 138 of the NI Act on account of amicable settlement.

2. *Vide* judgment dated 23.12.2024, learned Metropolitan Magistrate convicted the revisionist under Section 138 NI Act and by order dated 01.03.2025 revisionist was sentenced to undergo simple imprisonment for 1 year and with direction to pay Rs. 38,00,000/- to the complainant as compensation within 90 days from the pronouncement of the order in terms of Section 357 (3) CrPC and in default of payment of such fine, the

revisionist was directed to undergo 5 months of simple imprisonment.

3. The appeal filed by the revisionist came to be dismissed by the Sessions Court *vide* order dated 31.07.2025. However, while dismissing the appeal, learned Sessions Court directed that the amount of Rs. 36,00,000/- already lying deposited by the revisionist before the High Court in RFA no. 717/2024 shall be adjusted from the fine amount order to be paid as compensation and, therefore, directed the revisionist to pay the balance fine amount of Rs. 2,00,000/- within a period of 30 days from the date of the judgment dated 31.07.2025.

4. It is submitted by the learned counsel for the petitioner that all the litigation between the parties inter se have since been settled for a total consideration of Rs. 60,00,000/- and in terms of the settlement the entire money has been paid to the respondent after adjusting Rs. 36,00,000/- already lying deposited in RFA no. 717/2024. It is also submitted that RFA filed by the petitioner already stands withdrawn and petitioner has given no objection before the Court for the release of the said money to respondent.

5. It is also submitted that most of the litigation already stands withdrawn by the respective parties and only one FIR No. 310/2021, PS Inderpuri is pending against the petitioner and his father for which the parties have agreed to file separate petition for quashing of the same.

6. Along with the application petitioner has placed on record the Memorandum of Understanding executed between the parties which is Annexure C1.

7. Respondent present through VC confirms the factum of settlement. He confirms that all the litigation between the parties have been settled for a total consideration of Rs. 60,00,000/- and he has received the entire money

after adjusting Rs. 36, 00,000/- lying deposited in RFA no. 717/2024, he has no objection for the compounding of offence under Section 138 NI Act.

8. As per the modified guidelines laid down by the Hon'ble Supreme Court in the case of ***Sanjabij Tari v. Kishore S. Borcar & Anr., 2025 INSC 1158***, if the payment of cheque amount is made before the Sessions Court or a High Court in Revision or Appeal, such court may compound the offence on the condition that the accused pays 7.5% of the cheque amount by way of costs.

9. In view of the settlement between the parties and as confirmed by the respondent/complainant in the presence of his advocate, the application no. 33251/2025 is allowed and offence under Section 138 NI Act stands compounded with condition that petitioner pay 7.5 % of the cheque amount by way of costs within a period of 2 months. The cost amount be deposited before the Trial Court.

10. The present petition along with all pending applications accordingly stand disposed off.

11. The date earlier fixed stands cancelled.

RAVINDER DUDEJA, J

NOVEMBER 11, 2025/ gs/sk