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

+ **CRL.M.C. 6323/2025**

SHRI GURVINDER SINGH

.....Petitioner

Through: Mr.Naved Khan, Advocate
alongwith Parokar of the petitioner

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr.Digam Singh Dagar, APP for the
State alongwith SI Rajkumar, P.S.-
Connaught Place
Ms.Manisha Singh, Advocate for R-2
alongwith AR Ms.Manjit Kaur in
person

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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08.09.2025

CRL.M.A. 26718/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 6323/2025

1. Petitioner herein seek compromise quashing of complaint under Section 138 NI Act in case bearing CC No. 5350/2021 titled as "Orient Blackswan Pvt. Ltd. Versus Gurvinder Singh" and also seeks setting aside of impugned judgment on conviction dated 26.03.2025 and order on sentence dated 07.04.2025 passed by learned JMFC (NDPS) along with judgment and order dated 26.08.2025 passed by learned ASJ, Patiala House Court in



Crl.A. 158/2025.

2. *Vide* the impugned order on sentence the petitioner has been sentenced to undergo simple imprisonment for 1 month along with a fine of Rs.6,00,000/- including interest amount to be paid within 90 days of the order in terms of Section 357(3) Cr.P.C., and in default to further undergo simple imprisonment for a period of 2 months. If the fine is not paid in time, the same shall also be recoverable as per the provisions of Section 421 Cr.P.C.

3. The disputes arose from business transaction between the parties. Case set up in complaint by the complainant, a publishing house, is that it supplied books worth Rs.22,93,321/- to the accused, proprietor of G.S. Education, between February and April 2019. After accounting for payments, stock returns, and discounts, an outstanding balance of Rs.4,51,529/- remained, confirmed by the accused in August 2021. To discharge this liability, the accused issued three cheques totalling Rs.4,51,529/-, which were dishonoured on 05.08.2021 with the remark “Account Closed.” Despite service of a statutory notice dated 31.08.2021, the accused failed to pay. The legal proceedings for offence under Section 138 NI Act ensued.

3. The Trial Court on 07.04.2025 convicted the petitioner, sentencing him to one month’s imprisonment and a fine of Rs.6,00,000/-, with a default sentence of two months. On appeal, the Sessions Court upheld the conviction on 26.08.2025, modifying the default sentence to 15 days, and the petitioner has been in custody since that date.

4. At this stage, learned counsels for the petitioner and respondent no.2/complainant jointly submit that the parties have now amicably settled



the matter, thus, the complaint in question as well as other consequential proceedings may be quashed.

5. Learned Counsel for the respondent no.2 submits that affidavit to the effect of no objection to quashing deposed by authorised representative of respondent no.2 is also placed on record. Since the matter has been settled between the parties, no useful purpose would be served by keeping the petitioner behind bars.

5.1 Learned counsel for the petitioner would submit that the dispute between parties was of private nature and a compromise has taken place after the complainant secured conviction of the petitioner. He would further submit that the claim of respondent no.2 has already been satisfied in full and final settlement of the dispute and nothing remains due. He places reliance on the judgment of the Apex Court rendered in the case of ***Ramgopal & Anr. Vs. The State of Madhya Pradesh [Criminal Appeal No.1489/2012, decided on 29.09.2021]***.

5.2 That in the case of Ramgopal (*ibid*), the Apex Court also considered the judgments rendered in the cases of ***Gian Singh Vs. State of Punjab & Anr. [(2012) 10 SCC 303]*** and ***State of Madhya Pradesh Vs. Laxmi Narayan & Ors. [(2019) 5 SCC 688]***. It is held as under:-

“11. True it is that offences which are ‘non-compoundable’ cannot be compounded by a criminal court in purported exercise of its powers under Section 320 Cr.P.C. Any such attempt by the court would amount to alteration, addition and modification of Section 320 Cr.P.C, which is the exclusive domain of Legislature. There is no patent or latent ambiguity in



the language of Section 320 Cr.P.C., which may justify its wider interpretation and include such offences in the docket of 'compoundable' offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482 Cr.P.C. in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.

12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial



*has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482 Cr.P.C. would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in *Narinder Singh v. State of Punjab and Laxmi Narayan*.”*

6. Learned APP for the State does not dispute the fact of compromise and raises no objection in view of the judgment, *ibid*.
7. In the aforesaid backdrop, I have heard the learned counsels and have perused the case file.



8. A demand draft of Rs.4,80,000/- has been handed over by the petitioner in Court during the course of hearing pursuant to the settlement.

9. Having heard and in view of the compromise arrived between the parties, the complaint filed under Section 138 of NI Act bearing CC No. 5350 of 2021, together with the orders dated 26.03.2025 and 07.04.2025 passed by the learned Trial Court convicting the petitioner deserve to be quashed.

10. It is also made clear that the petitioner shall extend all support as would be warranted on his part to get the amount of Rs.1,20,000/- released in favour of the complainant-respondent no.2 which was deposited in the Appellate proceedings.

11. Resultantly, in view of the compromise arrived between the parties and invoking the inherent powers vested in this Court under Section 482 Cr.P.C., the present misc. petition is allowed. Consequently, the judgment and order passed by the learned JMFC, dated 26.03.2025 and 07.04.2025 respectively, in CC No.5350/2021, along with the judgment dated 26.08.2025 passed by the learned ASJ in CrI.A 158/2025, convicting the petitioner for the offences under Section 138 of the NI Act is set aside. The petitioner, who is stated to be in judicial custody, shall be deemed to have been acquitted of the charged offences. He shall be set at liberty, if not required in any other case.

With the aforesaid directions, the petition stands disposed of

12. Pending application, if any, also stands disposed of

ARUN MONGA, J

SEPTEMBER 8, 2025/dy