$~72 to 75

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

\+ **<u>CRL.M.C. 6330/2025 & CRL.M.As. 26759-26761/2025</u>**

MRS. MEENA GUPTA .....Petitioner

Through: Mr. Abhishek Srivastav, Advocate with Petitioner (in-Person).

versus

RASHI BANSAL .....Respondent

Through: Mr. Vikas Sharma, Advocate with Respondent (through VC).

\+ **<u>CRL.M.C. 6331/2025 & CRL.M.As. 26762-26764/2025</u>**

MRS. MEENA GUPTA .....Petitioner

Through: Mr. Abhishek Srivastav, Advocate with Petitioner (in-Person).

versus

RASHI BANSAL .....Respondent

Through: Mr. Vikas Sharma, Advocate with Respondent (through VC).

\+ **<u>CRL.M.C. 6332/2025 & CRL.M.As. 26765-26767/2025</u>**

MRS. MEENA GUPTA .....Petitioner

Through: Mr. Abhishek Srivastav, Advocate with Petitioner (in-Person).

versus

RASHI BANSAL .....Respondent

Through: Mr. Vikas Sharma, Advocate with Respondent (through VC).

+ **CRL.M.C. 6333/2025 & CRL.M.As. 26768-26770/2025**

MRS. MEENA GUPTA .....Petitioner

Through: Mr. Abhishek Srivastav, Advocate with Petitioner (in-Person).

versus

RASHI BANSAL .....Respondent

Through: Mr. Vikas Sharma, Advocate with Respondent (through VC).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **09.09.2025**

1. On complaints filed by the Respondent [Case Nos. 14124, 14125, 14126, and 14278 of 2016], by separate conviction judgments dated 17th March, 2023, the Petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881[1]. By separate sentencing orders dated 24th March, 2023, the Petitioner was directed to pay the Complainant compensation equivalent to double the cheque amount in each of the cases. In default of payment of compensation, the Petitioner was directed to undergo simple imprisonment for four months in each case.

2. The details of the cases in which the Petitioner has been convicted are as follows:

S. No.	***CRL. MC. Nos.***	***Complaint Case No.***	***Details of the Cheques and Total Amounts***
1.	CRL.M.C. 6330/2025	CC.No.14125/2016	Three cheques with total amounting to INR 4,85,270/-
2.	CRL.M.C.	CC.No.14124/2016	Three cheques with total

[1] "NI Act"

	6331/2025		amounting to INR 3,66,600/-
3.	CRL.M.C. 6332/2025	CC.No.14126/2016	Three cheques with total amounting to INR 8,00,000/-
4.	CRL.M.C. 6333/2025	CC.No.14278/2016	One cheque amounting to INR 1,50,000/-
		TOTAL AMOUNT OF THE AFORENOTED CHEQUES: INR 18,01,270/-	

3. Each of the above conviction judgments, in appeal, was affirmed by the Sessions Court by separate orders dated 28th March, 2024.

4. The Petitioner, through the present petitions under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[2] (corresponding to Section 482 of the Code of Criminal Procedure, 1973[3]), seeks quashing of the conviction judgments dated 17th March, 2023, the sentencing orders dated 24th March, 2023, and the appellate orders dated 28th March, 2024. These petitions are premised on a settlement entered into between the Petitioner and the Complainant/Respondent.

5. The terms of settlement has been recorded in a Memorandum of Settlement/Deed dated 14th August, 2025, whereby the Complainant has agreed to compound the offences. The Complainant/Respondent has appeared before the Court through Video Conferencing, accompanied by her counsel, Mr. Vikas Sharma, Advocate.

6. The Complainant/Respondent confirms the settlement and acknowledges that the terms of settlement do not involve any monetary consideration. Nevertheless, considering that the Petitioner is a relative of her husband, and the disputes between the parties now stand resolved with

[2] "BNSS"

the intervention of family members, she does not wish to pursue the proceedings and has consented to the offences being compounded. To this effect, her Affidavit/No Objection Certificate is duly placed on record.

7. In light of the foregoing, since the Respondent has voluntarily, and of her own free will, agreed to compound the offences without insisting on monetary compensation, the request of the Petitioner merits consideration.

8. The Court has considered the aforenoted facts and submissions. Notably, Section 147 of the NI Act expressly provides that all offences under the Act are compoundable. The Supreme Court, in ***Damodar S. Prabhu v. Sayed Babalal H.***[4]*,* formulated guidelines for compounding offences under Section 138 NI Act and emphasized the imposition of costs for delayed compounding. The relevant observations read as follows:

> *"21. With regard to the progression of litigation in cheque bouncing cases, the learned Attorney General has urged this Court to frame guidelines for a graded scheme of imposing costs on parties who unduly delay compounding of the offence. It was submitted that the requirement of deposit of the costs will act as a deterrent for delayed composition, since at present, free and easy compounding of offences at any stage, however belated, gives an incentive to the drawer of the cheque to delay settling the cases for years. An application for compounding made after several years not only results in the system being burdened but the complainant is also deprived of effective justice. In view of this submission, we direct that the following guidelines be followed:*
>
> ***<u>THE GUIDELINES</u>***
>
> *(i) In the circumstances, it is proposed as follows:*
>
> *(a) That directions can be given that the writ of summons be suitably modified making it clear to the accused that he could make an application for compounding of the offences at the first or second hearing of the case and that if such an application is made, compounding may be allowed by the court without imposing any costs on the accused.*

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[3] "CrPC"

[4] 2010 (2) SCC (Cri) 1328.

> *(b) If the accused does not make an application for compounding as aforesaid, then* ***if an application for compounding is made before the Magistrate at a subsequent stage, compounding can be allowed subject to the condition that the accused will be required to pay 10% of the cheque amount to be deposited as a condition for compounding with the Legal Services Authority, or such authority as the court deems fit.***
>
> ***(c) Similarly, if the application for compounding is made before the Sessions Court or a High Court in revision or appeal, such compounding may be allowed on the condition that the accused pays 15% of the cheque amount by way of costs.***
>
> ***(d) Finally, if the application for compounding is made before the Supreme Court, the figure would increase to 20% of the cheque amount.***
>
> *xxx ... xxx ... xxx*
>
> *25.* ***The graded scheme for imposing costs is a means to encourage compounding at an early stage of litigation. In the status quo, valuable time of the court is spent on the trial of these cases and the parties are not liable to pay any court fee since the proceedings are governed by the Code of Criminal Procedure, even though the impact of the offence is largely confined to the private parties. Even though the imposition of costs by the competent court is a matter of discretion, the scale of costs has been suggested in the interest of uniformity. The competent court can of course reduce the costs with regard to the specific facts and circumstances of a case, while recording reasons in writing for such variance. Bona fide litigants should of course contest the proceedings to their logical end."***
>
> [Emphasis Supplied]

9. In the present case, the settlement has been arrived at after conclusion of trial and affirmation of conviction in appeal. Ordinarily, as per the guidelines in ***Damodar S. Prabhu***, compounding at this belated stage would attract costs at the rate of 15% of the cheque amount. However, keeping in view the peculiar facts of this case, namely, the familial relationship between the parties, the voluntary decision of the Complainant to forgo monetary compensation, and the fact that the disputes have been amicably settled through family intervention, this Court considers it appropriate to

reduce the quantum of costs. Accordingly, in exercise of discretion under paragraph 25 of ***Damodar S. Prabhu***, the offences arising out of the four complaints are compounded subject to payment of a composite cost of INR 20,000/- (i.e., INR 5,000/- per complaint case), to be deposited with the Delhi State Legal Services Authority within a period of four weeks from today.

10. Accordingly, the present petitions are disposed of along with the pending applications.

SANJEEV NARULA, J

SEPTEMBER 9, 2025
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