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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P.(NI) 32/2024, CRL.M.A. 8540/2025 & CRL.M.(BAIL)
1660/2024

HARENDER KUSHWAHA

.....Petitioner

Through: Petitioner with his counsel Mr.
Sanjeev, Adv.

versus

THE STATE GOVT.OF NCT OF DELHI
AND ANR.

.....Respondents

Through: Mr. Manoj Pant, APP for the State
with Ms. Diha Ganju, Adv.
Complainant in person.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER
24.04.2025

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1. By way of this petition, the petitioner seeks setting aside of the judgment dated 31.07.2024 passed by the learned Additional Sessions Judge-02 (West), Tis Hazari Court, Delhi in Criminal Appeal No. 99/2023, whereby judgment dated 20.02.2023 and order on sentence dated 24.02.2023 passed by the learned MM (NI-05), West, Tis Hazari Court, Delhi in Ct. Case No. 1740/2017 was upheld.
2. Briefly stated, facts of the present case are that on 20.3.2017, the complainant had filed a complaint under Section 138 of the Negotiable Instruments Act bearing CC no. 1740/2017 on the basis of a cheque stating therein that the appellant had taken a loan of Rs. 5 lacs from him and in discharge of the said liability, he had issued the said cheque which was



returned unpaid on presentation, whereupon the complainant had issued a notice but to no avail.

3. However, it is stated that during the pendency of the present petition, both the parties have arrived at an amicable settlement, voluntarily.

4. On a query made by this Court, respondent no. 2, who has been identified by his counsel, has categorically stated that he has agreed to compromise out of his own free will and without any pressure, coercion or threat. Further, it is also stated by respondent no. 2 that the entire dispute has been amicably settled/compromised between the parties and respondent no. 2 has received the compromised amount and therefore, respondent no. 2 has no objection if the said case under Section 138 of N.I. Act is quashed.

5. In the case at hand, the parties have amicably resolved their differences on their own free will, and without any coercion, and thus, no useful purpose will be fulfilled by continuing the proceedings, rather the same would create further acrimony between them.

6. It is also a settled law that offence under Section 138 of NI Act can be settled and compounded at any stage under Section 147 of NI Act, and when a person is allowed to compound the offence, his conviction can be set aside [See ***Damodar S. Prabhu v. Sayed Babalal H.***: (2010) 5 SCC 663; ***K.M. Ibrahim v. K.P. Mohammed & Ors*** (2010) 1 SCC 798; ***Vinay Devanna Nayak v. Ryot Sewa Sahakari Bank Ltd.*** (2008) 2 SCC 305]. Since the matter has been settled between the parties and the petitioner has cleared all his dues towards respondent no. 2, there is no legal impediment in allowing the present petition.

11. Accordingly, judgment dated 31.07.2024 passed by the learned Additional Sessions Judge-02 (West), Tis Hazari Court, Delhi in Criminal Appeal No.



99/2023 is set aside. The judgment dated 20.02.2023 and order on sentence dated 24.02.2023 passed by the learned MM (NI-05), West, Tis Hazari Court, Delhi in Ct. Case No. 1740/2017 are also set aside.

12. Accordingly, the present petition along with pending applications stands disposed of.

14. The order be uploaded on the website forthwith.

APRIL 24, 2025/A

DR. SWARANA KANTA SHARMA, J

[Click here to check corrigendum, if any](#)