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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8035/2024 & CRL.M.A. 30711/2024**
PRITHVI RAJ KASANAPetitioner

Through: Mr. Yogesh Sharma, Adv.
versus

RAJ KIRANRespondent
Through: Mr. Krishna Dev Pandey, Adv. (Enrol
No. D/2594/09) and Mr. Dipesh
Dwivedi, Adv.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
31.01.2025

1. The present petition has been filed against the impugned order dated 18.09.2024 passed by the learned ASJ-07, Patiala House Courts, New Delhi in petitioner's appeal wherein it has been observed that the amount already paid by the present petitioner to the respondent stands forfeited and the appeal will proceed on merits.
2. The learned counsel appearing on behalf of the petitioner clarifies that the appeal had been preferred by the present petitioner against the order of the learned Metropolitan Magistrate convicting the petitioner under Section 138 of NI Act.
3. He submits that during the pendency of the appeal a compromise was arrived at between the petitioner and the respondent where under it was agreed by the petitioner to pay full and final settlement amount of Rs.55,00,000/- to the respondent, in the manner stated in the settlement.



4. The first instalment of Rs.9,10,000/- as indicated in the terms of settlement, was paid by the petitioner to the respondent. However, since the petitioner defaulted in the payment of second instalment of Rs. 20,45,000/- which was to be paid on 15.08.2024, the learned Appellate Court, having regard to the terms agreed between the parties ordered that the amount already paid by the petitioner to the respondent stands forfeited and accordingly proceeded with the appeal.

5. He submits that now the entire payment under the settlement has been made and therefore the settlement dated 24.04.2024 needs to be restored to its original position so as to enable the parties to compound the offence under Section 138 NI Act before the learned Appellate Court.

6. The above position is not disputed by the learned counsel appearing on behalf of the respondent.

7. In view of the above, the present petition is allowed and the impugned order to the extent it directs the forfeiture of the amount already paid by the petitioner to the respondent is set aside and the settlement dated 24.04.2024 is restored to its original position.

8. With the aforesaid direction, the petition alongwith pending application, is disposed of.

VIKAS MAHAJAN, J

JANUARY 31, 2025
N.S. ASWAL