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

+ CRL.REV.P.(NI) 47/2024, CRL.M.A. 34257/2024, CRL.M.A.
5616/2025 & CRL.M.(BAIL) 1886/2024

RAM KUMAR MISHRA

.....Petitioner

Through: Petitioner with his counsel Mr .D.K.
Singh and Ms. Nisha Maurya, Adv.

versus

KRISHAN KUMAR

.....Respondent

Through: Respondent with his counsel Mr.
Rohan Akarnia, Adv.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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15.05.2025

1. By way of the present petition, the petitioner seeks setting aside of the judgment dated 15.10.2024 passed by the learned ASJ-03, Central District, Tis Hazari Courts, Delhi in Crl. Appeal No.303/2023 whereby the learned Sessions Court has upheld the judgment of conviction dated 29.08.2023 and sentencing order dated 08.11.2023 passed by the learned Metropolitan Magistrate, NI Act-06, Central District, Tis Hazari Courts, Delhi in proceedings under Section 138 of Negotiable Instruments Act, 1881 (hereafter '*NI Act*').

2. Brief facts, as discernable from the material on record, are that on 14.10.2018, as alleged, the respondent herein had given Rs.4 lakhs as loan to the petitioner and the respondent was handed over the cheque bearing No.

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637064 dated 07.01.2029. However, the said cheques was returned as the same was dishonored.

3. The parties, present in Court, submit that they have amicably settled the matter. It is stated that the amount of Rs.4 lakhs stands deposited with the learned Trial Court.

4. The proxy counsel appearing for the petitioner, on instructions from the main counsel, states that the amount so deposited be released to the respondent/complainant, as the matter stands compounded. The learned counsel appearing for the respondent also states that as per the settlement arrived at between the parties, the respondent is receiving the installment towards the amount due.

5. On a query made by this Court, the respondent, 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 the respondent that the entire dispute has been amicably settled/compromised between the parties and the respondent has received an amount of Rs. 4,00,000/-, and therefore, the respondent has no objection if the impugned judgment is set aside.

6. 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.

7. 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.***

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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 petitioner has cleared all his dues towards the respondent, there is no legal impediment in allowing the present petition.

8. Accordingly, judgment dated 15.10.2024 passed by the learned ASJ-03, Central District, Tis Hazari Courts, Delhi in Crl. Appeal No.303/2023, is set aside. The judgment dated 29.08.2023 passed by learned MM-04 (NI Act-06), Central District, Tis Hazari Courts, Delhi in CC No. 5707/2019 is also set aside.

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

10. The order be uploaded on the website forthwith.

MAY 15, 2025/A

DR. SWARANA KANTA SHARMA, J

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