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

+ **CRL.REV.P.(NI) 90/2024 & CRL.M.A. 38593/2024**

V. MAHESH ALIAS MAHESH VIJAYAGOPALPetitioner

Through: Mr. Harsha Gollamudi, Mr. Atri Roy
Chowdhury and Mr. Siddharth
Sharma, Advocates

versus

M/S KAKS AND BILLS PVT LTD. ANR.Respondents

Through: Mr. Abhishek Arora, Advocate for R-
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CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

07.01.2025

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CRL.M.A. 38594/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**CRL.REV.P.(NI) 90/2024 & CRL.M.(BAIL) 2182/2024, CRL.M.A.
38595/2024**

3. The petitioner has preferred this revision petition under Section 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') seeking setting aside of the judgment dated 18.12.2024, passed by the learned Additional Sessions Judge, Saket Courts, Delhi, by way of which the Criminal Appeal No.327/2023 filed by the petitioner has been dismissed.
4. By way of CRL.M.(BAIL) 2182/2024, the petitioner seeks suspension of sentence of the applicant/petitioner, who has been convicted under



Section 138 of Negotiable Instrument Act, 1881 (NI Act) *vide* judgment and order on sentence dated 17.10.2023 passed by the learned Metropolitan Magistrate (NI Act) Digital Court-01, South District, Saket Court Complex, New Delhi in CC No. 6807/2022 titled as “M/s Kaks and Bills Pvt. Ltd. vs. M/s Karvy Data Management Services Limited”.

5. The learned counsel appearing on behalf of the petitioner draws this Court’s attention to an order dated 19.12.2024 passed by the learned Predecessor Bench and states that the matter stands amicably settled between the parties.

6. The learned counsel, who appears for respondent no.1, states that the entire amount of Rs.5.1 crores has been received by the respondent no. 1 from the petitioner towards full and final settlement of all the disputes.

7. The learned counsel for the petitioner states that he has also moved an application i.e. CRL.M.A. 38595/2024 under Section 147 of NI Act read with Section 397 of the Code of Criminal Procedure read with Section 401/438/442 of BNSS seeking permission to compound the offence under Section 138 of NI Act.

8. The learned counsel appearing on behalf of the respondent no. 1 states that he has filed his Vakalatnama vide Diary No.65882/2025 which is yet not on record. Let the same be also placed on record.

9. By way of order dated 19.12.2024, the Predecessor Bench of this Court was pleased to suspend the sentence of the petitioner, till today.

10. Considering the fact that the parties have amicably settled all their disputes, suspension of sentence of the petitioner granted *vide* order dated 19.12.2024 is made absolute.

11. 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 petitioner has cleared all his dues towards respondent no. 1, there is no legal impediment in allowing the present petition.

12. Therefore, the judgment of conviction and order on sentence is set aside. The impugned judgment dated 18.12.2024 is also set aside

13. Bail Bond stands cancelled and surety stands discharged.

14. Accordingly, the petition stands disposed of in above terms

15. In view of this order, the petitioner is not required to surrender before the concerned Superintendent of Jail today.

16. Let a copy of this order be communicated to the concerned Jail Superintendent forthwith.

17. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 07, 2025/ns

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