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

+ CRL.M.C. 8585/2025, CRL.M.A. 35899/2025, CRL.M.(BAIL)
2387/2025

DHEERAJ BHAGOTRA

.....Petitioner

Through: Mr. Rajiv Bajaj, Advocate.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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03.12.2025

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023,¹ read with Section 147 of the Negotiable Instruments Act, 1881,² seeks compounding of the offence under Section 138 NI Act on the strength of a settlement stated to have been arrived at between the Petitioner and the Complainant.
2. The Petitioner was convicted for the offence under Section 138 NI Act by the Trial Court. The appeal preferred by the Petitioner against the conviction was dismissed, save for a slight modification in the sentence. Thereafter, the Petitioner approached this Court in revision; however, the revision petition was also dismissed by judgment dated 12th August, 2025, affirming the conviction.
3. The Petitioner has now invoked the jurisdiction of this Court under

¹ "BNSS"

² "NI Act"



Section 528 BNSS, seeking a direction to permit compounding of the offence at this stage.

4. The broad proposition advanced by Mr. Rajiv Bajaj, counsel for the Petitioner, that an offence under Section 138 of the NI Act is compoundable at any stage, is undoubtedly well-settled in law. The Supreme Court has consistently affirmed that, by virtue of Section 147 of the NI Act, the parties may seek compounding of the offence under Section 138 even at the appellate or revisional stage, or after conviction has attained finality. However, in the considered view of this Court, the said principle cannot be invoked in the manner sought in the present proceedings. The revisional jurisdiction of this Court under Sections 399 and 401 of the Code of Criminal Procedure, 1973 has already been exercised, and the Petitioner's conviction has been affirmed by a reasoned judgment dated 12th August, 2025. In these circumstances, any subsequent request for compounding founded upon a settlement entered into between the parties, in the absence of exceptional or extraordinary circumstances, must be placed before the competent superior court. The inherent jurisdiction of this Court under Section 482 CrPC (now Section 528 of the BNSS) cannot be invoked to reopen or alter a conviction that has already been upheld in revision by the same forum.

5. Accordingly, Section 528 BNSS cannot constitute the basis for permitting compounding in the present proceedings, and the appropriate course for the Petitioner is to approach the competent superior court, if so advised.

6. The Petitioner shall be at liberty to take recourse to other remedies for seeking compounding of the offence, as available under law.



7. With the above directions, the petition is disposed of along with pending applications.

8. It is clarified that the Court has not commented on the merits of the plea of compounding. All rights and contentions of the parties are left open.

SANJEEV NARULA, J

DECEMBER 3, 2025

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