

27.02.2025

Present: Sh. Madan Lal, Ld. counsel for the appellant with son of the appellant.

Sh. Vinod Kumar Dubey, Ld. counsel for the respondent with respondent.

It is submitted by the respondent that he has received the settlement amount.

It is jointly submitted that matter may be compounded and appellant be acquitted for the offence U/s. 138 of NI Act. It is further submitted that judgment dated 16.08.2022 and order on sentence dated 02.09.2022 be also set aside as parties have compounded the offence.

Heard. Record perused.

The *Hon'ble Supreme Court in case titled as M/s. Meters and Instruments Pvt. Ltd. Vs. Kanchan Mehta having Criminal Appeal No. 1731/17 dated 05.10.2017* has laid down the guidelines regarding cases U/s. 138 of NI Act and crux is that as far as possible endeavor should be made to get the matter settled.

Further in case titled as *Sri Ashish Subba Vs. Manoj Kumar Agarwal and another, 2018 (1) RCR (Criminal) 971, the Hon'ble Supreme Court* has held that “*when the parties have amicably settled their dispute, the conviction and sentence of the accused under section 138 of NI Act can be set aside*”.

Accordingly, in view of the submissions made above, the present appeal stands disposed of and offence U/s. 138 of NI Act stands compounded and accused/appellant is acquitted for offence U/s 138 of

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NI Act. In these circumstances, the judgment dated 16.08.2022 and order on sentence dated 02.09.2022 are set aside.

Bail bonds are cancelled. Surety stands discharged from the present case. Documents/FDR, if any, be returned to the surety after cancellation of endorsement.

TCR be sent back to Ld. Trial Court along with copy of this order.

Copy of this order be given dasti to both the parties, as prayed for.

Present file be consigned to Record Room, after due compliance.

(Deepak Wason)
ASJ-04: South-west District:
Dwarka Courts: New Delhi
27.02.2025