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

+ CONT.CAS(C) 620/2023 CM APPL. 11199/2024 CM APPL.
64917/2024

MR. TAUFIQ UR REHMANPetitioner

Through: Mr. Aquib Ali, Advocate

versus

MR. MUNEEV UR REHMANRespondent

Through: Mr. Saurav Kumar, Advocate

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **16.05.2025**

1. Counsel for the petitioner has presented background facts of the matter.
2. The respondent / contemnor was convicted by the Metropolitan Magistrate-03, Saket Courts, Delhi in proceedings under Section 138 of Negotiable Instruments Act, 1881 ('**NI Act**') *vide* judgment dated 10th April 2019 and was sentenced to SI for 6 months and compensation of *Rs.1.10 crores* to be paid within one month *vide* order dated 6th May 2019.
3. Criminal appeal was filed before the ASJ, Saket Courts, Delhi. Since there was likelihood of order to be upheld, respondent sought mediation.
4. Matter was accordingly referred to mediation and settlement was arrived at between the parties. An undertaking was given to the Court on 24th November 2023, which is extracted below:



"I am the Appellant in this case. Due to some unavoidable circumstances, I could not honor my commitment made before the Mediation Centre in mediation settlement dated 08.11.2021. Today, we (myself and Respondent) have again talked about the payment to be made and it has been agreed that I will pay a sum of Rs. 5 lakhs by way of Demand Draft to him. I will make further payment of Rs. 15 lakhs on 31.01.2023 before this court. Further, I will make another payment of Rs. 80 lacs before this court on 20.03.2023. It has been also agreed between us that after the requisite payment is made, the respondent shall return cheques issued by me, which are in his possession. He shall also withdraw the cases under Section 138 NI Act, filed against me. I have already made payment of Rs. 5 lacs to the Respondent till date. I have also handed over a demand draft of Rs 5 lacs bearing no. 852389 to the Respondent today before the Court. I undertake to abide by the above settlement. In case of any breach, I shall be liable for consequences as per law."

5. Subsequently, respondent could not be traced and accordingly, NBWs were issued against him.
6. Though an application for cancellation was moved, since there was no appearance on behalf of respondent, process under Section 82 of Cr.P.C. was initiated against him.
7. Considering this situation, the *Criminal Appeal No. 222/2019* was finally dismissed by the ASJ on 28th August 2023. Relevant portion of the said judgment is extracted below:



18. **Mr. Muneev Ur Rehman is not appearing before this Court since last many dates despite repeated directions. In these circumstances, Ld. Trial Court is directed to enforce the order on sentence dated 06.05.2019 forthwith as per law. The amount to the tune of 20% of fine/compensation (Rs.22 lacs) deposited by Mr. Muneev Ur Rehman with Ld. Trial Court in terms of order dated 06.06.2019, 07.08.2019 and 06.09.2019 of Ld. Predecessor which was subsequently released to the respondent vide order dated 15.01.2020 and another sum of Rs.10 lacs so paid to the respondent during pendency of this appeal (which came on record in his statement dated 24.11.2022) be taken into consideration while enforcing the Order on Sentence.**
8. Subsequently, *CRL.REV.P. 1205/2023* filed by the respondent, was also dismissed by this Court by order dated 8th August 2024.
9. Accordingly, an FIR under Sections 174A Cr. P.C. was also registered considering continuous non-appearance of the respondent.
10. Counsel for petitioner shall place copy of all these decisions and subsequent facts that occurred, on record of this Court.
11. Counsel for respondent appears *through VC* and states that as per his instructions, *Rs.40 lakhs* have been paid and respondent is willing to pay the rest of the amount in mediation.
12. Counsel for petitioner states that the Rs. 40 lakhs was before the settlement and denies requirement for any mediation, considering the above conduct of respondent.
13. Accordingly, to secure presence of respondent, issue bailable warrants against him in the sum of Rs.10,000/- to be executed through SHO of local police station, under the supervision of SP returnable on 25th August 2025.
14. List on 25th August 2025.



15. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 16, 2025/sm/na