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

+ **CRL.M.C.4835/2024 & CRL.M.A. 18108/2024**

BALMEET SINGH KATHURIA Petitioner

Through: Mr. Gaurav Gupta, Mr. Nikhil Kohli,
Mr. Tushar Mudgill and Mr. Sushant
Meena, Advs.

versus

STATE AND ANR

..... Respondents

Through: Mr. Mukesh Kumar, APP for State

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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03.06.2024

CRL.M.A. 18107/2024 (exemption)

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

CRL.M.C.4835/2024

3. The present petition has been filed seeking the following reliefs:-

a) Issue an appropriate Order/s or directions of like nature whereby allowing compounding of the complainant case being 'Ct. Case No. 5993 of 2019, titled as. "M/s. Techonomics India vs. Prime Bizworld Private Ltd and Ors", finally decided by the Ld. Metropolitan Magistrate-03, District and Sessions Court, Rohini, Delhi '

b) Issue an appropriate order or any other Order or direction of like nature whereby quashing the Conviction and Sentence Order dated 14.12,2021 passed by Ld. Metropolitan Magistrate-03, District and Sessions Court, Rohini, Delhi, in Ct. Case No. 5993 of 2019', titled as. "Ms. Techonomics India vs. Prime Bizworld Private Ltd and Ors

4. The learned counsel for the petitioner submits that the petitioner was convicted by the Court of learned Metropolitan Magistrate for an offence



under Section 138 of Negotiable Instruments Act, 1881 and was also sentenced to pay a compensation of Rs. 4.25 lacs to the complainant.

5. The revision filed by the petitioner before the Court of learned Additional Sessions Judge also came to be dismissed *vide* order dated 27.05.2022.

6. Thereafter, the petitioner filed CRL.M.C.3097/2022 before this Court challenging the judgment passed in revision. The said CRL.M.C was also dismissed *vide* order dated 28.05.2024 and cost of Rs. 30,000/- was imposed on the petitioner. The petitioner was also directed to surrender before the learned Metropolitan Magistrate within a period of one week from the date of said order i.e. 28.05.2024.

7. The learned counsel submits that out of the compensation amount of Rs. 4.25 lacs, an amount of Rs. 1 lac was deposited pursuant to a direction given by this Court *vide* order dated 12.07.2022 passed in CRL.M.C.3097/2022, at the time of granting interim relief.

8. He further submits that the petitioner is willing to pay to the respondent / complainant or in the alternative to deposit the balance amount of Rs. 3.25 lacs in the Court besides the cost of Rs. 30,000/- as imposed by this Court.

9. He further submits that the offence under Section 138 of NI Act can be compounded even in the absence of consent of the respondent/complainant and for this proposition he places reliance on the decision of Hon'ble Supreme Court in ***Meters and Instruments Private Limited and Another vs. Kanchan Mehta, (2018) 1 SCC 560***, more particularly on para 18.3 thereof, which reads as under:

“18.3. Though compounding requires consent of both parties, even in



absence of such consent, the court, in the interests of justice, on being satisfied that the complainant has been duly compensated, can in its discretion close the proceedings and discharge the accused.”

10. In view of the above, issue notice. The learned APP for the State accepts notice.
11. Subject to the petitioner depositing an amount of Rs. 3.55 lacs with the Registrar General of this Court within a period of three days, the direction to surrender as contained in para 25 of the order dated 28.05.2024 shall stand deferred till the next date.
12. List on 09.07.2024 before the Roster Bench.
13. Order *dasti* under the Signatures of the Court Master.

**VIKAS MAHAJAN
(VACATION JUDGE)**

JUNE 3, 2024/dss