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

+ **CRL.M.C. 4722/2025**

ANITA KUMARI

.....Petitioner

Through: Mr. S.C. Sagar, Ms. Asha and Mr.
Naeem Ahmed, Advs.

versus

SAYED SADIK HUSSAIN

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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18.07.2025

CRL.M.A. 20466/2025 (EXEMPTION)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 4722/2025

1. This is a petitioner under Section 482 Cr.P.C for setting aside the impugned order dated 27.05.2025 passed by the learned JMFC (NI Act), Digital Court-03(South), Saket Courts, in CC NO.5697/2022, titled as "*ANITA KUMARI VS. SAYAED SADIK HUSSAIN*" whereby the learned Trial Court dismissed the application filed by the petitioner under Section 421/431 Cr.P.C for recovery of settlement amount of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) in terms of the settlement dated 18.05.2024.

2. The learned counsel for petitioner states that both parties came to an amicable settlement before the mediation cell and thereafter, the statement



of the respondent was recorded before the learned Trial Court, agreeing to make the payment as per settlement dated 18.05.2024. Despite such statement, respondent failed to make the payment and, therefore, petitioner filed an application under Section 421/431 Cr.P.C for recovery of settlement amount of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) in terms of the settlement dated 18.05.2024 relying upon the judgment of the **Dayawati vs. Yogesh Kunlar Gosain** 2017(166) DRJ 256 and **Ginlpex Pvt. Ltd. vs. Manoj Goel** 2022(11) SCC 705. However, such application has been dismissed on the ground that statement of the complainant was not recorded subsequent to the settlement and the complaint was not withdrawn by the complainant.

3. The division bench of this Court in the case of **Dayawati** (supra) held that where proceedings are disposed-of on settlement terms, upon breach of such order and non-payment of the agreed amount, the same can be recoverable in-terms of Section 431 read with Section 421 Cr.P.C.

4. Matter requires consideration.

5. Issue notice to the respondent, subject to the petitioner taking requisite steps, returnable for 04.11.2025.

RAVINDER DUDEJA, J

JULY 18, 2025

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