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

+ **W.P.(CRL) 2944/2024**

SHIV CHARAN

.....Petitioner

Through: Mr. Vinay Kumar Sharma and Mr.
Aaditya, Advs.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Anand V. Khatri, ASC for the
State with SI Anshul, PS Dwarka
North.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **23.09.2024**

CRL.M.A. 28777/2024 (Exemption)

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of, accordingly.

W.P.(CRL) 2944/2024

1. This petition has been filed seeking quashing of complaint under Section 138 of the NI Act and proceedings emanating therefrom on the basis that the petitioner pursuant to the conviction by the Trial Court on 29th July, 2022 preferred a criminal appeal where an order was passed on 23rd March, 2023 and the matter was referred to Trial Court for further repayment to be made by the petitioner.
2. It had been noted in the said impugned order of 23rd March, 2023 that a settlement had been arrived at before the Trial Court evident from order-



sheet dated 15th January, 2019 and the matter was referred to mediation. The settlement terms were, however, not adhered to.

3. The Trial Court convicted and sentenced the petitioner to simple imprisonment for three months and directed him to pay compensation of Rs.10,50,000/-. A sum of Rs.60,000/- has already been paid towards part settlement. After adjusting, direction was to pay a sum of Rs.9,90,000/- as compensation. During the pendency of the appeal, complainant received an amount of Rs.3,05,000/-. The matter was referred to mediation and parties agreed to settle the matter for a sum of Rs.8 Lacs. Some time had been granted to the petitioner to clear the balance amount of Rs.4.95 Lacs.

4. Counsel for the petitioner states that the balance amount of Rs.4.95 Lacs has also been paid to the respondent.

5. Accordingly, issue notice to the respondent No.2 on steps being taken by the petitioner through all permissible modes, including email.

6. Issue Court Notice to the SDM, Sector-10, Dwarka to file a status report regarding property bearing No. R-29, Sector-16A, Pocket-3, J.J Colony, Dwarka, New Delhi-110078, with respect to which the petitioner has sought de-sealing.

7. List on 17th December, 2024.

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

ANISH DAYAL, J

SEPTEMBER 23, 2024/MK