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

+ CRL.REV.P. 54/2016, CRL.M.A. 12399/2022& CRL.M.A. 12400/2022

GURVINDER SINGH Petitioner
Through: Mr.Karan Bir Singh, Advocate with
petitioner in person.

versus

THE STATE (NCT OF DELHI) & ANR. Respondents
Through: Mr.Amit Ahlawat, APP for the State.
Mr.Ishvinder Singh, Adv. for R-2
with R-2 in person.

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Date of Decision: 28.04.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

JUDGMENT

DINESH KUMAR SHARMA, J. (Oral)

1. Present revision petition has been filed challenging the order dated 28.11.2015 whereby Criminal Appeal 84/2015 challenging the order of conviction dated 20.07.2015 and sentence dated 17.08.2015 was dismissed. Learned trial court vide judgement dated 20.07.2015 in the criminal complaint case bearing CC No.4416/1 convicted the petitioner for the offence under Section 138 of the Negotiable Instruments Act and vide order dated 17.08.2015 sentenced the accused petitioner to undergo simple imprisonment for three months and ordered to pay a compensation of Rs.7 lakhs to the complainant and in case of failure to

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pay the amount, the petitioner was ordered to undergo further simple imprisonment for two months.

2. Learned counsel for the petitioner submits that against the order passed in criminal appeal No. 84/2015 the present petition was filed. Learned counsel submits that in terms of the order dated 22.01.2016, a sum of Rs.5,50,000/- was deposited to be kept in the form of fixed deposit before the learned trial court in the name of the court.
3. While the matter rested thus, the matter was amicably settled between the petitioner and the complainant Avtar Singh Mahna vide compromise deed dated 02.03.2019. Subsequently, complainant Avtar Singh Mahna expired on 24.01.2022. His Death certificate is on record. Pursuant to the order dated 14.03.2023 of the learned Joint Registrar, the impleadment of the LR's of the deceased complainant was allowed. Amended memo is on record. Learned counsel for the petitioner submits that the remaining LRs of Avtar Singh Mahna have relinquished their rights in favour of their mother Smt. Kamlesh Mahna, who also amicably settled the matter with the petitioner vide MoU/Compromise Deed dated 16.05.2022.
4. Both the parties submit that the Memorandum of Understanding/settlement dated 16.05.2022 has been placed on record and in terms of the settlement, sum of Rs.5,50,000/- deposited with the learned trial court vide two FDRs have been agreed to be released to Smt. Kamlesh Mahna.
5. Both the learned counsel submits that in terms of the settlement, the impugned order dated 28.11.2011 may be set aside and the parties may

be set at liberty to withdraw the complaint before the learned Metropolitan Magistrate.

6. In terms of the statement made by both the parties, the settlement is accepted. The impugned order dated 28.11.2015 is set aside. Learned trial court is directed to record the settlement between the parties and dispose of the complaint in accordance with law and release the FDR deposited with the Court to Smt. Kamlesh Mahna along with the interest, if any, accrued thereon in accordance with law.
7. With the above directions, the petition along with the pending applications is disposed of.

DINESH KUMAR SHARMA, J

APRIL 28, 2023

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