

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No. 577/2020

(Arising out of impugned final judgment and order dated 15-01-2020 in CRLMC No. 5493/2019 passed by the High Court of Delhi at New Delhi)

SURESH JAIN

Petitioner(s)

VERSUS

STATE OF NCT OF DELHI & ANR.

Respondent(s)

(IA No. 13895/2021 - PERMISSION FOR WITHDRAWAL OF AMOUNT)

Date : 19-08-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Joydeep Mazumdar, Adv.
Mr. Debojyoti Bhattacharya, Adv.
Ms. Shubhangi Sanghal, Adv.
Ms. Shalini Kaul, AOR

For Respondent(s) Mr. R.S. Suri, ASG
Mr. P.V. Yogeshwaran, Adv.
Mr. Kamendra Mishra, Adv.
Mr. Alabhya Dhamija, Adv.
Mr. B.V. Balaram Das, Adv.

Mr. Chirag M. Shroff, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The matter relates to proceedings under the Negotiable Instruments Act. The petitioner had issued a cheque which was bounced. The matter was thereafter settled before the Trial Court on 09.02.2018 whereby it was agreed that the petitioner would pay a sum of Rs. 8.5 lakhs to the respondent no. 2 towards full and final settlement of the case. The petitioner herein failed to make the said payment. However, again the matter was settled on 22.12.2018

whereby it was agreed that the petitioner would pay the said amount by 04.06.2019. The matter again came up before the High Court in proceedings under Section 482 Cr.P.C. and the High Court vide order dated 23.10.2019 stayed the proceedings before the Trial Court. Then on 15.01.2020, the petitioner was convicted by the High Court for contempt and was directed to undergo one month simple imprisonment. The petitioner was arrested on the same date i.e., on 15.1.2020. However, bail was granted to the petitioner on 29.01.2020. Thus, he has suffered incarceration for about 15 days. The said order dated 15.01.2020 is under challenge in this petition.

The matter was argued before the Court on 16.08.2021, when the learned counsel for the parties submitted that the parties had settled the dispute amicably. This Court thus permitted them to file a joint affidavit in regard to the Settlement. The parties have now filed a Joint Statement which is supported by the affidavits of both the parties. The relevant paragraphs 5 to 10 of the said settlement are as under :

"5. That the Respondent No.2 is willing to settle all the interse disputes between him and the petitioner for a full and final sum of Rs.8.5 Lacs.

6. That the Respondent No.2 has his consent for the compounding of offence under Section 138 of the Negotiable Instruments Act, 1881 and thereby has no objection to the setting aside of orders dated 01.02.2020 and 4.02.2020, passed by the Ld. Trial Court in CC No. 9587/2017, wherein the Ld. Trial Court had convicted and sentenced the petitioner.

7. that Respondent No.2 has no documents and/or Vakalatnama of the Petitioner in his possession.

8. that the Petitioner has withdrawn the complaint made against Respondent No.2 before the Bar Council of Delhi in the presence of Respondent No.2's representatives.

9. That the Petitioner has no objection to the release of the said amount to Rs.8.5 lacs to Respondent No.2 deposited with the Registry of Hon'ble Delhi High Court towards 'full and final' settlement of the disputes between the Petitioner and Respondent No.2.

10. That both, the Petitioner and Respondent No.2 shall remain bound by the settlement agreed upon in this joint statement and thereby have no further cause of action against each other."

In view of the aforesaid settlement, we dispose of this petition with a direction that the proceedings before the High Court and the Trial Court shall be closed. The amount of Rs.8.5 lakhs which remains in deposit with the Registry of Delhi High Court shall be handed over to respondent no. 2 alongwith interest accrued thereon.

It is clarified that the order dated 15.01.2020 shall be treated to have been complied with, and no further orders need be passed. It is further directed that the period undergone by the petitioner in compliance of order dated 15.01.2020 of the High Court shall be treated as civil imprisonment and not simple imprisonment.

The Special Leave Petition stands disposed of.

(RAJNI MUKHI)
COURT MASTER

(PRADEEP KUMAR)
COURT MASTER