HIGH COURT OF DELHI AT NEW DELHI

Dayawati v. Yogesh Kumar Gosain

Citations: 2017 SCC OnLine Del 11032 : (2017) 243 DLT 117 (DB)

Coram: Hon'ble Ms. Justice Gita Mittal (Acting Chief Justice) & Hon'ble Ms. Justice Anu Malhotra | **Date of Decision:** October 17, 2017

SUBJECT: Negotiable Instruments Act, 1881 - Section 138 & 147 - Court-Annexed Mediation Guidelines - Enforcement of Settlement Agreement

OFFICIAL JUDGMENT SUMMARY & RATIO DECIDENDI:

Held: Criminal compoundable offences under Section 138 NI Act can lawfully be referred to court-annexed mediation under Section 89 CPC read with Section 471 BNSS / Section 431 CrPC. Formulated comprehensive binding guidelines: (1) The Magistrate must record the voluntary statements of both parties accepting the mediation settlement, (2) the mediation agreement becomes an enforceable judicial order, (3) in case of wilful breach or default by the accused, the complainant is entitled to immediate execution under Section 421 read with Section 431 CrPC without recommencing trial, or the Magistrate may proceed straight to sentencing for breach of undertaking.
