

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

Date of Reserve: 1st September, 2010
Date of Order: 26th October, 2010

+Crl. M.C. No. 37 of 2009
%

26.10.2010

P.K. MAHESHWARI

... Petitioner

Through: Mr R.N. Mittal, Senior Advocate with Tanvir
Ahmed & Mr Manoj Kumar, Advocates.

Versus

C.B.I. & ANR

... Respondents

Through: Mr Harish Gulati & Mr Anindya Malhotra,
Advocates for CBI

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. This petition under Section 482 of Cr. P.C. has been filed for quashing of FIR No. RC-8(E)/97-EOW-I-DLI, on the ground that the petitioner has settled the claims of State Bank of Travencore i.e. Respondent No. 2 and all demands have been met and Respondent No. 2 has given in writing to CBI that it was no longer interested in pursuing the criminal case.

2. I have perused the reply filed by the Bank to the contention raised by the petitioner and the Bank in its reply as stated as under:

“That with regard to the Grounds (E) and (F), it is submitted that the contents of this Para does not call for any specific reply from the Respondent No. 2 as the contents are interpretation of the judgments. In view of the settlement reached based on the R.B.I. guidelines

and the money having been received by the Respondent No. 2, the answering respondent does not wish to pursue the complaint case and the answering respondent has no objection if the RC is quashed qua the petitioner.”

3. The CBI in its status report has stated that charge-sheet in this case was filed on 31st December, 2001 against the accused persons. Accused persons namely D.S. Makan and Anjali Makan are absenting themselves and have been declared Proclaimed Offenders. A proposal for their extradition has been sent to U.S. authorities and was pending. Charges against the remaining accused persons were framed on 1st May, 2006 under Section 420 of IPC and under Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act. However, further proceedings before the Trial Court were stayed by the High Court.

4. It is submitted that a compromise has been arrived at between M/s. Makan Agro Oils Ltd. and State Bank of Travencore and the Bank has informed the CBI that it has entered into a settlement and settled amount, in terms of the compromise, has been paid.

5. Considering that the matter in this case has already been compromised and the amount has already been paid, I consider no useful purpose shall be served by keeping the criminal prosecution pending. The petition is allowed. FIR bearing No. RC-8(E)/97-EOW-I-DLI is hereby quashed.

OCTOBER 26, 2010
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SHIV NARAYAN DHINGRA, J.