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

+ CRL.M.C. 3752/2011

% Judgment delivered on:15th November, 2011

CITIBANK N.A. Petitioner
Through : Mr. R.S. Suri, Sr. Adv. with
Mr. Rahul Malhotra, Adv.

versus

STATE NCT OF DELHI & ORS. Respondent

Through : Mr. Navin Sharma, APP.
Mr. R. Vasudevan, Spl. POA.
Mr. Bharat Bhushan, Adv. for R2 & R3

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

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| 1. Whether the Reporters of local papers
may be allowed to see the judgment? | NO |
| 2. To be referred to Reporter or not? | NO |
| 3. Whether the judgment should be reported
in the Digest? | NO |

SURESH KAIT, J. (Oral)

CRL. M.A. 17845/2011

Allowed subject to all just exceptions.

CRL. M.C. 3752/2011

1 Learned counsel for the petitioner submits that vide FIR
No. 227/2009, a case under Section 406/409 Indian Penal

Code, 1860.

2 Further submits that the matter has been settled between the parties vide compromise deed dated 11.11.2011.

3 The compromise deed has been executed between petitioner and Mr.R.Vasudevan s/o late Shri V.Raghavan, Special Power of Attorney holder of respondent Nos.2 and 3.

4 Admittedly, the said Power of Attorney has been executed on 15.04.2009.

5 Learned APP for State has raised the objection that the special power of attorney has been executed on 15.04.2009 and the compromise has been effected on 11.11.2011. Therefore, the aforementioned attorney has no *locus* in the case.

6 Learned counsel for respondents No. 2 and 3 submits that the matter has already been compromised and even during the trial, the said attorney has been pursuing the case, therefore, the compromise deed has been executed between the parties.

7 Further submits, in the said Power of Attorney the respondent Nos.2 & 3 had authorised the attorney to enter

into any compromise, take amount and close the matter on their behalf, if required.

8 Learned APP for State submits that the Government Machinery has been mis-used and the precious time of the court has been consumed, heavy costs shall be imposed before quashing the FIR.

9 Learned Sr. counsel for the petitioners has on instructions come forward to donate an amount of Rs.1 lacs towards welfare fund.

10 I appreciate this gesture of petitioner.

11 Keeping the Compromise Deed into view and the submission of the learned counsel for the respondent, I quash the FIR No. 227/2009, P.S. Connaught Place, under Section 406/409/420/120-B/34 Indian Penal Code, 1860 and emanating proceedings thereto.

12 I further direct, payment of Rs.1 lacs be deposited in favour of Lady Noyce School for Deaf, Delhi Gate, Behind Ferozshah Stadium, Delhi within a period of two weeks. The proof of payment be placed on record.

13 The Principal of the School is directed to keep the amount in FDR initially for a period of 03 years and interest

accrued thereupon shall be utilized for the wellbeing of children of School.

14 Criminal M.C. 3752/2011 is disposed of accordingly.

15 Registry is directed to send the copy of this order to complainant/ respondent Nos.2 & 3, for information.

16 *Dasti.*

SURESH KAIT,J

NOVEMBER 15, 2011

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