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

Judgment delivered on: 26th November, 2015

+ **CRL.M.C. No759/2015**

HARISH SHARMA & ANR

..... Petitioners

Represented by: Mr. Vipin Kumar Gupta and
Mr. Birjesh Singh, Advocates with
Petitioners in person.

Versus

THE STATE (NCT OF DELHI)

..... Respondent

Represented by: Mr.Mukesh Kumar, Additional
Public Prosecutor for the State with
SI Shyam Sunder, P.S.Mukherjee
Nagar.

[Note: Mr. Abhay K. Das, Advocate for accused
Nirmal Rana, Sanjeev Kumar Rana and Neeru
Malik].

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

CRL.M.C. 759/2015

1. Vide the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners seek quashing of FIR No. 394/98 registered at Police Station Mukherjee Nagar, Delhi, for the offences punishable under Sections 420/406/34 IPC and the consequential proceedings emanating therefrom against them.

2. Learned counsel appearing on behalf of the petitioners submits that the aforesaid case was registered on 29.12.1998 and around seventeen years have been passed since then, however, till date order on charge has not been passed. He submits that there are 31 investors, out of whom, dispute has already been settled with 28 investors and the remaining three investors are not traceable, i.e., Pradeep Kumar Roy (serial No. 26), Manu Tariyal (serial No.30) and Veena (serial No. 31), as per the status report dated 29.09.2013 filed by SI Anil Kumar.

3. Learned counsel further submits that the total amount of said three untraced investors with interest at the rate of 12 % *per annum*, as directed by this Court vide order dated 11.09.2015, which comes to Rs.3,07,000/-, is ready to be deposited in the Court and as and when the said untraced investors will be traced, they may claim the same from this Court.

4. On the other hand, learned Additional Public Prosecutor appearing on behalf of the State, on instructions, submits that there are total five untraced investors, therefore, the petitioners should give an undertaking to the effect that if all or any of the untraced investors will come to the Court afterwards and claim the amount, the same will be settled/paid by the petitioners.

5. Learned counsel for the petitioners does not dispute the aforesaid proposition raised by the learned Additional Public Prosecutor for the State. He submits that the petitioners have settled the dispute with 28 investors and all settlement deeds are with them. Still if any investor will come to the Court to claim the amount, the same will be paid to him with interest at the rate of 12 % *per annum* by the petitioners.

6. Learned counsel for the petitioners orally submits that there are six accused in the FIR in question, the instant petition has been filed by the

two petitioners, three accused, namely, Sanjeev Kumar Rana, Nirmal Rana and Neeru Malik are personally present in Court and the sixth accused, namely, Sanjay Sharma is the real brother of petitioner No.2 and brother-in-law of petitioner No.1.

7. It is submitted that the petitioners have also contributed for and on behalf of the sixth accused Sanjay Sharma. Therefore, in view of the settlement arrived, the present petition may be allowed.

8. Considering the above noted facts and circumstances of the case, the petitioners are directed to deposit the amount of Rs.3,07,000/- with the Registrar General of this Court, who shall keep the same in the form of an FDR, initially for a period of one year to be renewed automatically.

9. The Registrar General is also directed to release the said amount alongwith proportionate interest accrued thereon in favour of the untraced investors, namely, Pradeep Kumar Roy (serial No. 26), Manu Tariyal (serial No.30) and Veena (serial No. 31), if the said persons come forward and claim the same.

10. I, hereby, make it clear that if for five years, no one comes forward to claim the amount deposited, the same alongwith interest accrued thereon shall be deposited in favour of the Prime Minister's National Fund.

11. Consequently, FIR No. 394/98 registered at Police Station Mukherjee Nagar, Delhi, for the offences punishable under Sections 420/406/34 IPC and all proceedings emanating therefrom, are hereby quashed.

11. Accordingly, the present petition is allowed.

12. A copy of this order be given *dasti* to the learned counsel for the

parties under the signature of the Court Master.

Crl. M.A. No.2871/2015

With the disposal of the petition itself, the instant application has become *infructuous*. The same is accordingly dismissed.

**SURESH KAIT
(JUDGE)**

NOVEMBER 26, 2015
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