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

\+ W.P.(CRL) 1627/2016

SUNIL KUMAR & ANR ..... Petitioner

Through: Mr. Vikas Kumar, Advocate with Mr. Manish Paliwal, Advocate

versus

STATE OF NCT OF DELHI & ANR ..... Respondent

Through: Mr. Rajesh Mahajan, APP with SI O.P.Mandal

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

<u>O R D E R</u>

% **15.07.2016**

The present petition has been filed by the petitioner to seek the quashing of FIR No. 223/2014 dated 29.04.2014 under Sections 34/420/467/468/471 IPC registered at Police Station Paharganj, on the proceedings emanating therefrom pending before the learned Addl. Chief Metropolitan Magistrate-01, Central, Tis Hazari in CC No. 3/1.

The petition is premised on the fact that the petitioner/accused have arrived at a settlement on 16.04.2015 and in terms of the said settlement, petitioners have paid the entire dues of the complainant-bank. The complainant-bank has also issued a 'No Objections Certificate' in favour of the petitioner.

Learned counsel for the respondent submits that the allegations against the petitioner are of forgery and using forged documents for the purpose of cheating in obtaining loan. He submits that the offence of this kind against the bank to defraud the bank of public money are offences against the State and the proceedings should not be quashed. In this regard, he placed reliance on ***State of Tami Nadu Vs. R.Vasanthi Stanley and another*** (2016) 1 SCC 376.

In the light of the said decision, I have perused the allegations contained in the FIR. There is no allegation with regard to forgery or using the forged documents except in respect of a driving license. The driving licence by itself is not a document on the basis of which bank would advance any loan to its customers. A driving license may be used by its customer to establish his identity/age/address. The same does not have commercial value like a document of title of a property which is offered as a security by customer to a bank to obtain a loan.

Mr. Pankaj Vasan, Manager of Kotak Mahindra Bank, Noida Branch, is present in Court. He has produced the resolution passed by the said bank which authorizes him to represent the Bank in any court, forum or tribunal. He is also agreeable that the proceedings arising out of the aforesaid FIR be quashed in view of the settlement of all the claims of the bank.

In the aforesaid circumstances, no useful purpose would be served in continuing with the proceedings in respect of the FIR in question. In my view, this is a fit case for quashing of the FIR in question. FIR and the proceedings emanating therefrom are quashed.

The writ petition stands disposed of.

VIPIN SANGHI, J

JULY 15, 2016
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