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

+ CRL.M.C. 2274/2016

ASHWANI SIROHI & ORS

..... Petitioner

Represented by: Mr. Sandeep Srivastava, Adv.
with petitioners.

versus

STATE OF DELHI & ANR

..... Respondent

Represented by: Mr. Amit Ahlawat, APP for the
State with SI Ombri Singh, PS
Sarojini Nagar.
Mr. Sunil Kumar Jha, Adv. for
R-2 with R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.10.2016

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1. FIR No.403/2006 was registered under Sections 365/392/342/323/34 IPC at PS Sarojini Nagar on the complaint of respondent No.2 Smt. Laxmi Bansal against the six petitioners herein i.e. Ashwani Sirohi, Vinod Kumar, Sandeep, Balkishan Dhawan @ Kishan Dhawan, Sanjeev Kumar and Kamruddin. The allegations in the FIR were that the son of the complaintant namely Manu Bansal took a loan for a vehicle from M/s Kotak Mahindra Prime Ltd. and since there was outstanding demand, the vehicle which was a Maruti Wagon R was repossessed forcibly by the petitioners who were repossession agents of M/s Kotak Mahindra Prime Ltd.
2. The petitioners earlier filed a petition being Crl.M.C. 4499/2015 seeking quashing of the above noted FIR on the basis of settlement agreement arrived at between the petitioners and respondent No.2.

3. On 9th September, 2015 this Court disposing of the petition quashed FIR No.403/2006 registered at PS Sarojini Nagar and proceedings pursuant thereto against M/s Kotak Mahindra Prime Ltd. noting it to be the petitioner whereas the fact of the matter is that M/s Kotak Mahindra Prime Ltd. was neither the petitioner in the said petition nor the accused in the FIR.

4. An application being CrI.M.A. 5379/2016 in CrI.M.C. 4499/2015 seeking modification of the order dated 16th March, 2016 was filed before this Court however said application was permitted to be withdrawn by the petitioners with liberty to file an independent petition seeking the relief claimed in the application. Hence the present petition by the petitioners again seeking quashing of above noted FIR relying upon the decision of the Supreme Court reported as AIR 2012 SC 499 Shiji alias Pappu & Ors. Vs. Radhika & Anr. wherein the Supreme Court quashed the FIR for offence punishable under Section 394 IPC on the ground that the dispute was essentially civil in nature and the offence charged was also personal in nature and did not affect the society.

5. In the above noted FIR, the allegations are that a Maruti Wagon R which was taken on hire purchase agreement by the son of respondent No.2 was forcibly repossessed. Pursuant to the hire purchase agreement, constructive possession of the vehicle continued with M/s Kotak Mahindra Prima Ltd. since entire money was not paid. Further in view of the fact that this Court has already quashed the above noted FIR though against a legal entity which was not even an accused and the parties have settled the matter, no useful purpose would be served in continuation of the trial which is pending for the last 10 years.

6. Learned counsel for the petitioners states that petitioner No.2 has

since passed away.

7. Smt. Laxmi Bansal who has been impleaded as respondent No.2 is present in Court and identified by learned counsel and the investigating officer. She states that she has settled the matter with the petitioners for which she had earlier also appeared in Court in CrI.M.C. 4499/2015 on 16th March, 2016 and does not wish to continue with the above noted FIR. Statement of respondent No.2 is affirmed by petitioners No.1,3,4,5 and 6.

8. Since the parties have settled the matter and no useful purpose will be served in continuing with FIR No.403/2006 registered under Sections 365/392/342/323/34 IPC at PS Sarojini Nagar and proceedings pursuant thereto are hereby quashed.

9. Petitioner Nos. 1,3,4,5 and 6 who are present in Court and identified by learned counsel and respondent No.2 have signed the order sheet in acknowledgement of their statements made above.

10. Order dasti.

MUKTA GUPTA, J.

OCTOBER 19, 2016
‘v mittal’