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

+ CRL.M.C. 3579/2016 and Crl. M.A. No. 15135/2016 (Stay)

SMT SAVITA SARAN & ANR

..... Petitioners

Represented by: Mr. Sandeep Tyagi and Mr.
Ajay Tyagi, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondents

Represented by: Mr. Ravi Nayak, APP for the
State with SI Sanjeev
Choudhary, PS Vasant Vihar.
Mr. Pankaj Vivek, Advocate
for respondent No.2/Bank of
Baroda

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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06.12.2016

1. By the present petition the petitioners seek quashing of the FIR No. 564/2006 under Sections 420/471/34 IPC registered at Vasant Vihar on the complaint of Manager, Bank of Baroda, Vasant Vihar Branch on the ground of settlement.

2. The allegations in the FIR are that the two petitioners along with seven other accused persons approached the bank with mala-fide intention and in connivance with each other opened accounts on the basis of forged and fabricated documents and took personal loan advances.

3. Nine accused were named in the FIR and out of the nine accused four accused, that is, Meena Joshi. Anju Kumar, Bimlesh @ Tara Devi and

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Sanjay Kumar availed the benefit of plea bargaining before the learned Trial Court after pleading guilty and hence after conviction they have been awarded sentences.

4. As far as accused Anil Sharma is concerned he has since passed away and Mohan Kumar is a proclaimed offender. One other accused Arminder Kumar is not traceable. Learned APP for the State submits that as and when Mohan Kumar and Arminder Kumar are traced, charge sheet qua them will be filed. Learned APP further points out that Vinod Kumar, petitioner No.2 had earlier filed a petition seeking quashing of the above noted FIR on the basis of compromise being CrI. M.C. No.4093/2012 which, after some arguments was permitted to be withdrawn by this Court on 10th September, 2015.

5. Considering the nature of allegations in the FIR and the fact that though complaint was lodged by the bank but the complainant had not personal interest therein as it was the public money which was ultimately siphoned off, this Court finds no reason to quash the above noted FIR merely on the ground that the petitioners herein have paid their dues to the bank and the bank has no objection to the quashing of the FIR.

6. Petition and application are dismissed.

MUKTA GUPTA, J.

DECEMBER 06, 2016
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