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

+ **W.P.(CRL) 1800/2016**

DAVINDER KAUR

..... Petitioner

Through: Mr. A.C.Boxipatro with Mr. Ashok
Panigrahi, Advocate

versus

STATE & ORS.

..... Respondent

Through: Ms. Nandita Rao, ASC with ASI
Harkesh Kumar, PS Vasant Vihar
Mr. Rajive R. Raj, Advocate for R2

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

26.07.2016

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The petitioner has preferred the present petition to seek a direction to the respondent No. 1- State to close the investigation in respect of complaint bearing D.D. No. 20A dated 19.02.2014 pending with police station Vasant Vihar, New Delhi and to file a report with the concerned Magistrate in that regard. She further seeks a direction to respondent No. 1 to direct the respondent bank to de-freeze the saving account of the petitioner bearing No. 09051000031287 held with respondent No. 2 Bank with immediate effect.

The petitioner and her husband Jagdeep Singh, who is respondent No.3, held the aforesaid joint account with respondent No.2 bank i.e. Punjab and Sind Bank, Guru Harkrishan Public School, Vasant Vihar, New Delhi.

The aforesaid DD, inter alia, was made at the instance of respondent No.3 on account of his grievance that the petitioner had withdrawn an amount of Rs. 14 lakhs from the said joint account through pay-in-slip. Learned counsel for respondent No.3 submits that the amount had been actually transferred by the petitioner from the said joint account into her own individual account.

The submission of learned counsel for the petitioner is that since the account in question was a joint account, the petitioner was entitled to operate the same and there is no illegality, much less, any criminality in operating the said account. He relies on the communication dated 01.03.2015 issued by the respondent bank stating that the said account which was opened on 25.10.2013 in the joint names of the petitioner and respondent No.3 could be operated by either or survivor of the two.

Ms. Rao, on instructions, submits that the police had only made a DD entry, as aforesaid, and no FIR has been registered. She further submits that the said DD entry, in any event, does not call for registration of the first information report in view of the communication issued by the bank. She further submits that the bank has already been instructed to defreeze the account No. 09051000031287 and the same stands defreezed. Learned counsel for the respondent bank states that the said account has been defreezed.

In view of the aforesaid, the present petition does not survive and the same stands disposed of.

VIPIN SANGHI, J

JULY 26, 2016

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