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

Judgment dated: 9th March, 2017

+ CRL.M.C. 2289/2013

1. VIJAY KUMAR GUPTA
2. RAJ KUMAR SHARMA
3. VINOD CHAUDHARY

..... Petitioners

Through: Mr.R.P.Luthra, Adv. with Mr.Sourabh
Luthra, Adv.

versus

1. STATE
2. STANDARD CHARTERED BANK

..... Respondents

Through: Mr.G.M.Farooqui, APP for State
Mr.Sanjeev Sagar, Adv. with Mr.Simran
Vod, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

I.S.MEHTA, J (ORAL)

1. The instant petition under Section 482 Cr.P.C is preferred by the petitioners for quashing of FIR No.107/2003, under Sections 406/420/468/471 IPC, registered at Police Station-Parliament Street, Delhi and all the proceedings emanating therefrom.
2. The brief facts stated are that 54 persons including the petitioners approached the complainant bank/respondent No.2 for vehicles finance facility for the purchase of vehicles under the agreement with a representation that they would abide by all the terms and conditions as

laid down by the complainant bank/respondent No.2. The complainant/respondent No.2 disbursed the loan amount for the purchase of vehicles and each of the named borrower executed car loan cum hypothecation agreement, irrevocable power of attorney and other several documents in favour of the complainant bank/respondent No.2 till the time entire loan amount is paid. The accused/borrower had furnished various documents/information to the complainant bank/respondent No.2. Based upon the documents supplied by the accused persons and believing them to be genuine and correct, the complainant bank/respondent No.2 sanctioned the loan amount. It was falsely represented to the complainant bank/respondent No.2 by the accused persons that the total amount shall be paid alongwith interest in equal monthly instalments as agreed regularly by them without any default. The accused persons after taking the delivery of vehicles did not fulfil the commitment and were irregular and inconsistent in making the payments. The complainant bank/respondent No.2 sent several letters and notices to the accused persons for making the payments of the outstanding amount and demanded physical verification/inspection of vehicles but the accused persons did not respond and failed to make the payments. Thereafter, the respondent No.2 filed a complaint case under Section 190 and 200 Cr.P.C against the 54 persons including the present petitioners accompanied with application under Section 153 (3) Cr.P.C and the concerned learned Metropolitan Magistrate directed the SHO/IO of Police Station-Parliament Street to register an FIR against the 54 persons including the petitioners. Hence, the present FIR has been registered.

3. Counsel for the petitioners has submitted that the default was committed due to unavoidable circumstances and there was no intention on the part of the petitioners to commit any wrong. Counsel for the petitioners has

further submitted that when the petitioners could not fulfil the terms of the settlement, a complaint qua against the petitioners along with other accused was made resulting into the registration of the present FIR. He has further submitted that after registration of the FIR, the petitioner No.1 returned vehicle No. DL-1T-8506 to the police of Police Station-Parliament Street and thereafter respondent No.2 issued NOC to the petitioner No.1. He has further submitted that petitioner No.2 settled the matter with the respondent No.2 and gave the full and final settlement amount of Rs.2,25,000/- to the respondent No.2. He has submitted that petitioner No.3 also settled the matter with respondent No.2 vide settlement letter dated 17.05.2005 and paid an amount of Rs.2,24,000/- to the respondent No.2 as full and final settlement amount. He further submits that all disputes have been amicably settled between the parties and nothing remains to be adjudicated upon further and submits that the FIR in question is coming as hurdle in the way of the present petitioners. He further submits that the petitioners want to lead their independent and peaceful life in near future and since all disputes have been settled between them, the FIR in question and all proceedings arising therefrom may be quashed.

4. The respondent No.2 i.e. Standard Chartered Bank preferred to file reply to the petition preferred by the petitioners under Section 482 Cr.P.C and stated that the petitioners have made full and final payment and the respondent No.2 does not dispute the averments made in the petition and have no objection if the present FIR is quashed and the petition is allowed.
5. Counsel for respondent No.2 has submitted that the petitioners herein have made payment of full and final settlement amount to the respondent No.2. He has further submitted that the FIR was registered against the

petitioners and other accused for non payment of loan amount. He has further submitted that since the petitioners have made payment to the respondent No.2 as per NOC and receipts issued by the respondent No.2, he has no objection if the present FIR is quashed.

6. The Apex Court in ***Gian Singh v. State of Punjab [(2012) 10 SCC 303]***, has observed as under:-

“61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

7. Looking into the facts and circumstances of the case and the fact that the petitioners have paid the loan/settlement amount to the respondent No.2 and nothing remains to be adjudicated further, to remove the hurdle in the personal life of the present petitioners for leading better and peaceful life and to meet the ends of justice, I deem it appropriate to quash the FIR No.107/2003, under Sections 406/420/468/471 IPC, registered at Police Station-Parliament Street, Delhi qua against the petitioners, namely Vijay Kumar Gupta, Raj Kumar Sharma and Vinod Chaudhary only to the extent of their role in commission of the alleged offence.
8. The present petition is allowed and disposed of accordingly. All pending application(s) (if any) also stand disposed of.

Copy of this order be given *dasti*.

**I.S. MEHTA
(JUDGE)**

MARCH 09, 2017/radhika