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

+ W.P.(CRL) 2009/2017

TEJINDER KAUR

..... Petitioner

Through Mr. Anshuman Gargesh, Adv.

versus

THE STATE & ANR

..... Respondents

Through

Mr. Sanjay Lao, ASC with Mr.
Siddharth Sindhu, Adv.

SI Dharmendra Kumar, P.S. Tilak
Marg

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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06.11.2017

The petitioner seeks quashing of FIR No.104/2017 dated 13.05.2017 (P.S. Tilak Marg) instituted for offences under Section 224 of the IPC. It has been submitted on behalf of the petitioner that a case under Section 138 of Negotiable Instruments Act, 1881 was registered against the petitioner at the instance of M/s Bharati Airtel Ltd. with respect to a Cheque of Rs.5,707/-. In the aforesaid case, the proceedings under Section 82 Cr.P.C. was initiated against the petitioner way back in the year 2006.

On 13.05.2017, the petitioner was taken to the P.S. Vasant Kunj by respondent No.2 whereafter, she was taken to hospital but she was not medically examined. When she was produced before the Magistrate, Patiala House, in the absence of any FIR under Section 174 of the IPC, no order was passed by the learned Magistrate.

Learned counsel for the petitioner submits that in order to falsely implicate the petitioner, deliberately, a case vide the subject FIR was instituted at the behest of respondent No.2 against the petitioner under Section 224 of the IPC.

This court has also been informed that on 23.05.2017 the learned magistrate directed for withdrawal of the proceedings under section 82 Cr.P.C. against the petitioner subject to the petitioner paying a fine of Rs.2,000/-. The aforesaid fine was paid. This court has also been informed that the dispute with the complainant for an amount of Rs.5,707/- has also been settled and the aforesaid amount has also been paid.

Learned counsel for the petitioner has however stated that in the subject FIR, after investigation, charge sheet has been submitted. However, no cognizance as yet has been taken.

Considering the nature of accusation against the petitioner and the circumstances in which the present case was lodged, this court is of the view that no useful purpose would be served in keeping the prosecution against the petitioner alive. While saying so, this court has taken note of the fact that the petitioner was not even aware that a complaint case was pending in respect of Section 138 of NI Act. This court has taken notice of another fact that the case under Section 138 of N.I. Act has already been settled and the amount in dispute has been paid.

Taking a holistic view of the matter, this court is of the view that proceedings against the petitioner would not be in the interest of justice.

For the reasons afore-recorded, the FIR No. 104/2017 dated 13.05.2017 (P.S. Tilak Marg) instituted for offences under Section 224 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

NOVEMBER 06, 2017

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