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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 550/2018**
SHIVANGI GULATI Petitioner
Through Mr. Rajan Bajaj, Advocate.

versus

STATE (NCT OF DELHI)& ANR Respondents
Through Mr. Arun Kumar Sharma, APP for the
State.
Mr. Puneet Bhalla, Advocate for the
respondent No.2.
SI Sumitra Sharma, PS Rajouri
Garden.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **02.02.2018**

Crl.M.A. 2017/2018 (exemption)
Crl.M.A. 2018/2018 (exemption)

Exemptions are allowed subject to all just exceptions.

CRL.M.C. 550/2018

1. The petitioner seeks quashing of FIR No.1339/2015 under Sections 420/467/468/471/409 IPC, Police Station Rajouri Garden on the basis of a settlement.
2. The allegation in the FIR is that, the petitioner, who was holding the position of Relationship Manager, carried out certain transactions leading to debit entries in the account of one customer and allegedly misappropriated the funds to the tune of approximately

Rs.69,00,000/-. After lodging of the FIR on the complaint of the customer, inquiries were made by the Bank and the payment was made to the customer.

3. The Bank has ultimately settled with the petitioner and the Settlement Deed dated 07.04.2016 has been executed. As per the agreement, it was agreed that the total disputed transaction which were paid by the Bank to its customer amounting to Rs.69,56,223/-, less, a sum of Rs.15,65,206/- lying invested in a ICICI Prudential Account, which was recovered by the respondent Bank through the said account, would be paid by the petitioner. The balance amount of Rs.53,91,017/- has been paid by the petitioner to the respondent Bank. The service of the petitioner has also been terminated by the respondent Bank.

4. It may be noticed that earlier also the petitioner had filed a petition being Crl. M.C.2650/2016. However, the same was dismissed as withdrawn on 08.02.2017. Learned counsel for the petitioner submits that as on the said date, i.e. 08.02.2017, the entire payment had not been paid. He, submits that since the said date of 08.02.2017, the entire payment has now been made to the Bank.

5. Mr. Jaipal Sinmhar, Regional Head, Forex, who is the complainant in the FIR, submits that he has instructions on behalf of the respondent No.2 to consent to the present petition.

6. In view of the fact that the parties have settled their disputes and the petitioner has paid the entire agreed amount and the fact that

the respondent No.2 does not wish to press any charges against the petitioner, in my view, no fruitful purpose would be served in continuing with the criminal proceedings as there is a slim likelihood of conviction. Further, in view of the fact that the parties have settled their disputes, it would be expedient and in the interest of justice, to quash the subject FIR as well as the consequent proceedings arising there from.

7. Learned APP appearing for the State submits that the charge sheet has already been filed and, in case, this Court is inclined to exercise discretion, it should be subject to terms.

8. In view of the above, FIR No.1339/2015 under Sections 420/467/468/471/409 IPC, Police Station Rajouri Garden as well as the consequent proceedings arising therefrom are quashed, subject to the petitioners depositing cost of Rs.50,000/- with the “*Prisoners Welfare Fund, Jail No. 14, Mandoli*”, Mangal Pandey Marg, Harsh Vihar, Village Mandoli, Delhi, within a period of two weeks from today. Receipt of deposit of the costs imposed by this Order be furnished to the concerned Investigating Officer within a period of three weeks from today.

9. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 02, 2018
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