

\$~23

IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 20th August, 2018

+ CRL. M.C. 2766/2016

VIJAY SINGH

..... Petitioner

Through: Mr. Sumit Sarna, Ms. Mamta
Sarna & Mr. Pradeep Kataria,
Advts.

versus

STATE & ORS.

..... Respondents

Through: Mr. Akshai Malik, APP for the
State with SI Sanjeet Singh, PS
Rajouri Garden.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petition at hand was filed invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to seek quashing of the proceedings arising out of FIR No. 804/2006 under Sections 420/511/468/471 of Indian Penal Code, 1860 (IPC) of police station Rajouri Garden, primarily on the basis of settlement of the dispute with the third respondent, it being accompanied amongst others by an affidavit of Paramjeet Singh, director of the third respondent (company), he having submitted his no objection to the prayer in the petition in terms, *inter alia*, of he having been authorized by the resolution dated 18.05.2016 of the board of directors of the said company. On being put to notice, the third

respondent appeared and the said authorized representative also submitted copy of another board resolution dated 02.08.2016 in terms of which Mr. Sanjay Kumar Agarwal, Sr. Manager-Commercial of the third respondent company has been given the authority to tender a statement on behalf of the company and the authorized director. The petition is also accompanied by a no-objection given by the Chief Manager of Indian Overseas Bank (the second respondent) to the prayer made in the petition, the FIR having been lodged on the complaint of the said bank. The State has filed its response by status report dated 22.01.2018.

2. A perusal of the documents brought before the Court would reveal that the third respondent was maintaining an account with the second respondent bank during the relevant period. The petitioner herein had statedly approached the said bank on 08.08.2006 with a cheque requisition slip for issuance of a cheque book against the said account. The said cheque requisition slip, upon scrutiny, was found to be forged and this fact has been confirmed by the investigation that followed the registration of the FIR at the instance of the Chief Manager of the bank.

3. From the facts and circumstances brought out in the charge-sheet, it is clear that the case against the petitioner, *prima facie*, is that he had dishonestly and fraudulently made an attempt to obtain from the bank cheque book against the account of the third respondent with which he had no connection on the basis of a forged and fabricated cheque book requisition slip. The case, from this perspective, is not one merely of a private dispute. A bank in the service of public at

large was also attempted to be cheated by the aforesaid act of commission on basis of document which was fabricated valuable security. The gravity of offences alleged is such that this Court does not find it a fit case where the inherent power under Section 482 Cr.P.C. should be exercised [see *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another*, (2017) 9 SCC 641].

4. The petition is, thus, dismissed.

R.K.GAUBA, J.

AUGUST 20, 2018

nk



नित्यमेव जयते