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

+ **W.P.(CRL) 3066/2019**

GAGAN KAPOOR & ORS

..... Petitioners

Through Mr. Davender Hora and Mr. Sikandar
Khan, Advs. with petitioners.

versus

STATE OF N.C.T OF DELHI & ANR

..... Respondents

Through Mr. Ashish Aggarwal, ASC with Mr.
Piyush Singhal, Advs.
SI Ram Singh, PS C. R. Park.
Mr. Manish Sharma and Mr.
Abhishek Verma, Advs. with Mr.
Ashish Mahajan, Zonal Manager / AR
of R-2/IndusInd Bank.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.12.2019

1. The petitioners have filed the present petition, *inter alia*, praying that FIR No. 34/2019, under Sections 409/467/471 of the IPC, registered with PS Chittaranjan Park and all proceedings emanating therefrom, be quashed.
2. The said FIR was registered at the instance of respondent no. 2 (IndusInd Bank Ltd.).
3. Mr. Ashish Mahajan, Zonal Manager/authorized representative of the respondent no. 2 bank is present in Court and is identified by the

Investigating Officer. He states that the dispute with the petitioners have since been resolved.

4. Petitioner No.1 was the employee of the respondent no. 2 bank. It is alleged that he had misappropriated the funds of various customers of respondent no. 2 bank during the course of his employment. The same was discovered by the bank and this led to filing of the FIR in question. It is stated that petitioner No.1 has since paid a sum of ₹1,35,48,000/- to respondent No.2 bank.

5. An affidavit affirmed by Mr. Ashish Mahajan has been filed on behalf of respondent no.2 bank. It is affirmed that respondent no. 2 bank has compensated each and every customer whose funds have been misappropriated by the petitioners. The compensation paid by the bank not only includes the amount misappropriated, but the interest as well.

6. Mr. Mahajan joins the petitioners in praying that the FIR in question and all proceedings emanating therefrom, be quashed.

7. The petitioners are present and are identified by their counsel.

8. In view of the statements made by the petitioners and the authorized representative of respondent No.2 bank, this Court considers it apposite to allow the present petition.

9. Accordingly, FIR No.34/2019, under Sections 409/467/471 of the IPC registered with Police Station Chitranjan Park, and all proceedings emanating therefrom, are quashed.

10. The concerned parties (petitioners and respondent No.2) shall sign this order as an acknowledgement of their statements recorded herein.

11. Order be given *dasti* under the signatures of the Court Master.

DECEMBER 11, 2019
DR

VIBHU BAKHRU, J