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

+ **W.P.(CRL) 991/2019 and CRL.M.A. 7301/2019**

KANCHAN KARWAL & ANR.

..... Petitioners

Through: Mr Sameer Chandra and Mr C.L.
Dhawan, Advocates.

versus

STATE & ANR

..... Respondents

Through: Mr Rajesh Mahajan, ASC for State.
SI Jeetendra, Bharat Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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12.12.2019

1. The petitioners have filed the present petition, *inter alia*, praying that FIR bearing no. 0007/2018 under Section 406 of the IPC registered with Police Station Bharat Nagar and all proceedings emanating therefrom, be quashed.
2. The petitioners state that the plain reading of the FIR in question does not disclose any offence, as alleged.
3. The said FIR was registered at the instance of respondent no.2 (Poonam). She alleged that her brother Sh. Yashpal Karwal (since deceased) had misappropriated the assets from the estate of their father Sh. Ram Lal Karwal (deceased), from a public provident fund account (PPF 10819155713) maintained with State Bank of India, Sansad Marg, New Delhi. At the time of his demise, the balance in the said account amounted to ₹39,94,022/-. Admittedly, Mr Yashpal Karwal was one of the nominees of the said account. The other nominee was the mother of the complainant

(who had pre-deceased Late Sh. Ram Lal Karwal). The amount lying in credit of the PPF account was remitted to Mr Yashpal Karwal and the same was deposited in the account maintained by him, jointly with his wife (petitioner no.1).

4. According to respondent no.2, the said amount was misappropriated from the funds of the PPF account, since she claims that she, as well as her other sister Mrs Indu Bala Sedov, would also be entitled to a share in the said proceeds.

5. Late Mr Yashpal Karwal had also filed a probate petition, which is pending before the Court of ADJ, District North-West, Rohini Courts, New Delhi. As per the will propounded by Late Sh. Yashpal Karwal, his estate was required to be divided amongst respondent no.2; Mrs Indu Balal Sedov; Rajat Karwal son of Yashpal Karwal and Ms Preetika, daughter of Yashpal Karwal.

6. The petitioners state that they have no difficulty if the entire estate is distributed in the aforesaid manner. Insofar as the complaint of Late Mr Yashpal Karwal accepting the amount of ₹39,94,022/- from the PPF Account is concerned; clearly, there is no offence that was committed by him, as the said amount was received by him in capacity of being the nominee in the said account.

7. It is apparent from the above that the dispute, essentially, relates to the division of the said estate. While respondent no.2 is claiming 1/3rd share on the basis of the claim that Sh. Ram Lal Karwal had died intestate; it is the case of Late Mr Yashpal Karwal (and the petitioners) that respondent no.2 is

entitled for only 1/4th share of his estate of late Ram Lal Karwal in terms of his Will.

8. The learned counsel appearing for the petitioners has also drawn the attention of this Court to an order dated 17.02.2018 passed by the learned ASJ in Bail Application No. 473/2018, whereby Late Sh. Yashpal Karwal had offered to pay the amount due to respondent no.2 (that is, 1/4th share) in terms of the will of Late Sh. Ram Lal Karwal, as set up by him. It is, at once, clear that the disputes between the siblings relate to the distribution of the estate of their late father. The petitioner is the wife of Late Sh. Yashpal Karwal and petitioner no.2 is her mother (mother-in-law of Yashpal Karwal). It is also clear from the contours of the pending litigation between the parties that the FIR in question has been filed with the object of pressuring the petitioners and Late Sh. Yashpal Karwal, who has since expired.

9. Considering that the principal object of filing the FIR in question is *mala fide* and considering that no *ex facie* offence appears to have been committed, the petition is allowed and the FIR in question (FIR No. 0007/2018 registered at PS Bharat Nagar) and all proceedings emanating therefrom, are quashed.

10. The pending application is disposed of.

11. Order *dasti* under signature of the Court Master.

VIBHU BAKHRU, J

DECEMBER 12, 2019
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