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

+ **W.P.(CRL) 2977/2019**

ARIF & ORS.

..... Petitioners

Through: Mr Venkatesh, Mr Vikas Maini, Mr
Sachin Tokas and Mr Deepak Kumar,
Advocates.

versus

STATE & ANR.

..... Respondents

Through: Mr Sanjay Lao, ASC for State.
SI Shivraj, PS Jaitpur.
Mr Satish Sharma, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.10.2019

CRL.M.A. 38687/2019

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. Issue notice.
4. Mr Lao, learned ASC appearing for the State accepts notice.
5. The petitioners have filed the present petition, *inter alia*, praying that FIR bearing no. 0243/2019 under Sections 420/34 of the IPC registered with P.S. Jaitpur, be quashed.
6. The aforesaid FIR was registered at the instance of respondent no.2. He alleged that some unknown persons had taken away his ATM card and replaced it with another similar looking ATM card and had thereafter used it

to withdraw money from his bank account and for shopping. The complainant (respondent no.2) discovered the same when he went to withdraw money from the Axis Bank ATM, located at Dharmshala Road.

7. Mr Lao, learned ASC appearing for the State opposes the present petition. He states that there is overwhelming evidence against the petitioners. The CCTV footage had been obtained which shows the accused persons (petitioners herein) as withdrawing money from the ATM. The fact that the ATM card was changed is also established. He also states that the said ATM card has been recovered from petitioner nos. 1 and 2. He submits that these kind of offences are now common and it is necessary for the society that action against such delinquents must be taken.

8. This Court concurs with the submissions made by Mr Lao and does not consider it apposite to allow the present petition. Merely because the petitioners have, on being apprehended, decided to return the funds and compromise the matter with the complainant, does not absolve such offenders of their offences. There is a much wider impact of such offences and the same cannot be seen from the prism of a private dispute.

9. The petition is, accordingly, dismissed. The pending application is also disposed of.

10. It is clarified that the observations made by this Court are limited to the consideration of the above captioned petition and shall not influence any other proceedings.

VIBHU BAKHRU, J

OCTOBER 21, 2019/ RK