

\$~6

\*

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

+

**CRL.M.C. 151/2019 & CRL.M.A. 680-681/2019**

**RAJESH SETH**

..... Petitioner

Through: Mr. Anand Nandan, Advocate.

versus

**STATE & ANR**

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for State  
with SI Amit Kumar, PS Connaught  
Place.

Mr. Avinash Kumar & Mr. Raghav  
Saket, Advocates for R-2.

**CORAM:**

**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**

%

**09.01.2020**

The present petition has been filed under Section 482 of the Cr..P.C., 1973 seeking quashing of the FIR No.729/2004, PS Connaught Place registered under Sections 406/420 of the Indian Penal Code, 1860 initially submitting to the effect that a settlement has been arrived at between the petitioner and the respondent no.2, the respondent no.2 being the complainant i.e. the Citi Financial Consumer Finance India Limited.

Vide order dated 22.08.2019, it has specifically been observed to the effect that the status report that had been submitted was too cryptic and did not indicate the gravamen of the accusations on which the petitioner was facing prosecution, in as much as, there was reference to serious offences of forgery under Section 468 of the

Indian Penal Code, 1860 and the directions of the principles laid down in *“Parbatbhai Aahir alias Parbatbhai Bhimsimbhar Karmur and others Vs. State of Gujarat and Another”* (2017) 9 SCC 641 had not been borne in mind.

The status report pursuant to the order dated 22.08.2019 has been submitted by the State dated 17.11.2019 under the signatures of the SHO, PS Connaught Place. The same indicates that during the course of the investigation, the charge sheet was subsequently submitted qua the alleged commission of the offences punishable under Sections 406/420/468/471 of the Indian Penal Code, 1860 and the FSL result was also submitted to the learned Trial Court. The copy of the FSL result has been submitted now on behalf of the State dated 19.05.2005.

The status report now submitted also indicates that charges have been framed on 09.03.2005 against the petitioner for having represented himself as being Rajesh Sethi having applied for a car loan for a sum of Rs.7,00,000/- from the complainant i.e. the respondent no.2 arrayed herein and having deceived the complainant company by using the forged certificate of the Punjab & Sindh Bank, Connaught Circle New Delhi and other forged documents including a letter of Mayur Overseas, a photocopy of Income Tax Returns for the year 2002-03 and fraudulently and dishonestly thereafter inducing the complainant company to sanction a loan of Rs.7,00,000/- and to execute a loan cum hypothecation agreement no.3398518 through which a Tata Safari car bearing no.DLSCAF0125 was delivered to

him with the charges also thus, been framed under Sections 420/406/471/465/468 of the Indian Penal Code, 1860.

Without any observations on the merits or demerits of the trial that is in progress, taking into account the copy of the FSL report that has been submitted and the charges framed against the petitioner, despite reliance placed on behalf of the petitioner on the verdict of the Hon'ble Supreme Court in "*State of Madhya Pradesh Vs. Dhruv Gurjar and Another*" with "*State of Madhya Pradesh Vs. Tinku Sharma and Others*" (2019) 5 SCC 570, which is a case on different parameters in relation to the alleged commission of offences under Sections 307/294/34 of the Indian Penal Code, 1860 and Sections 25 & 27 of the Arms Act, 1959, in the facts and circumstances of the instant case wherein, there is an alleged forgery of documents of banks as well as *inter alia* in relation to Income Tax Returns, it is not considered appropriate to allow the prayer made by the petitioner seeking the quashing of the FIR in question on the basis of a settlement arrived at between the petitioner and the respondent no.2.

The petition is thus, declined.

**ANU MALHOTRA, J**

**JANUARY 09, 2020**  
'Neha Chopra'