

\$~6

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

+ **W.P. (CRL.) 854/2020**

VIPIN VASANDANI

..... Petitioner

Through Mr Rahul Gupta, Advocate with
Mr Vasdev Lalwani, Mr Rohit Gautam,
Advocates.

versus

THE STATE, GOVT. OF NCT & ANR.

..... Respondents

Through Mr Rajesh Mahajan, ASC for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

%

01.06.2020

[Hearing held through videoconferencing]

CRL. M.A. 6995/2020

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P. (CRL.) 854/2020

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

“Quash the proceedings of FIR No. 480/2019 dated 25.12.2019 under Section 406/420 IPC registered at Police Station Mahindra Park (North West), Delhi -110033 and subsequently consequential proceedings arising there from, in the interest of justice

Stay further investigations/arrest of the petitioner till the disposal of present petition by this Hon’ble Court.”

4. The said FIR was registered on a complaint filed by respondent no.2. Respondent no.2 alleges that the petitioner had been regularly purchasing fruits from him and had placed various purchase orders on the petitioner. He stated that there was a running account between both of them. It is stated that initially the petitioner had made payments, however, subsequently he failed to pay the outstanding amount. He also states that the petitioner issued cheques towards his liability but subsequently respondent no.2 received back the cheques with an endorsement to the effect that payments against the cheques deposited had been stopped. He further states that the petitioner is avoiding meeting him and has stopped receiving his calls. It is the respondent's allegation that the petitioner has cheated him by placing huge orders and receiving goods against the same without an intention of making any payment for the same.

5. The petitioner disputes the said allegations and states that he had business dealings with respondent no.2 but had not issued any cheques. He claims that the blank signed cheques had been stolen by respondent no.2 and after respondent no.2 deposited two cheques he had issued instructions for stopping payment of the said cheques to his bankers.

6. Mr Rahul Gupta, Advocate appearing for the petitioner submits that the disputes between the petitioner and respondent no.2 are essentially civil dispute and, therefore, the FIR in question be quashed.

7. This Court does not find the aforesaid contention persuasive. First of all, the complainant has alleged that the petitioner has cheated him by placing orders and receiving goods for which he had no intention to pay. In addition, respondent no.2 claims that petitioner had also issued cheques in order to persuade respondent no.2 to deliver the goods but had dishonoured

the same. It is the petitioner's case that the petitioner's blank signed cheques were stolen. *Prima facie*, this dispute does not fall within the ambit of a civil dispute, therefore, this Court is unable to accept that the FIR should be quashed at this stage.

8. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

JUNE 01, 2020

pkv