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

+ **W.P.(CRL) 171/2018, CRL.M.A. 32590/2023**

SACHIN TIWARI & ORS

..... Petitioner

Through: Mr. Rachit Bigghe, Advocate
alongwith petitioners in person.

versus

**THE STATE GOVT OF NCT OF DELHI
& ANR**

..... Respondent

Through: Ms. Nandita Rao, ASC (criminal) for
the State with Mr. Jasraj Singh
Chhabra, Mr. Amit Peswani & Ms.
Anuka Bachawat, Advocates.
Insp. Sanjeev Mandal & SI Vivek
Singh, P.S. Sarojini Nagar.
Mr. Diwanshu, Advocate for R-2
alongwith Mr. Anupam Goel, AR of
Netwest Markets PLC.

**CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER
21.03.2024**

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1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks quashing of FIR No. 404/2009, under Sections 419/420/406/468/471/34 of the IPC, registered at P.S. Sarojini Nagar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Sh. Vaibhav Kumar, learned Metropolitan Magistrate, Patiala House Courts, Delhi.
2. Amended memo of parties have been filed. The same is taken on



record.

3. The present FIR was registered on the complaint of one Mr. Manish Bhargav, Authorised Representative of ABN Amro Bank. It is pointed out that subsequently the aforesaid bank was renamed as RBS (Royal Bank of Scotland), and thereafter again renamed as Netwest Markets PLC/respondent no. 2, as per amended memo of parties.

4. It is submitted that the matter was settled with respondent no. 2 on 03.08.2017, when it was under the name of RBS Bank. The settlement dated 03.08.2017 is on record in Annexure-B.

5. Learned counsel for respondent no. 2, alongwith Mr. Anupam Goel, Authorised Representative of respondent no. 2, i.e. NetWest Markets PLC confirms the aforesaid position and submits that he has no objection, if the present FIR and subsequent chargesheet are quashed.

6. Notices were issued to respondents no. 3 to 14 *vide* order dated 02.11.2018. Order dated 11.02.2019 reflects that respondents no. 7, 9, 11 and 14 were served; however, none appeared on their behalf. It is further reflected that respondent nos. 6 and 10 refused to accept notice and respondents no. 3, 4, 5, 8, 12, and 13 could not be served. In view of the above, vide order dated 30.11.2023, the petitioners were permitted to serve the *dasti* summons as per their last known address, which have been served.

7. Be that as it may, learned counsel for the respondent no. 2, on instructions, submits that loan accounts of all the respondents have been closed and nothing is due on the said accounts.

8. Petitioners and Mr. Anupam Goel, Authorised Representative of respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officers, Insp.



Sanjeev Mandal & SI Vivek Singh, P.S. Sarojini Nagar.

9. In view of the settlement between the parties, learned ASC for the State also has no objection if the present FIR is quashed, subject to cost.

10. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. ... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

11. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 404/2009, under Sections 419/420/406/468/471/34 of the IPC, registered at P.S. Sarojini Nagar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Sh. Vaibhav Kumar, learned Metropolitan Magistrate, Patiala House Courts, Delhi.

12. In the interest of justice, the petition is allowed, and FIR No. 404/2009, under Sections 419/420/406/468/471/34 of the IPC, registered at P.S. Sarojini Nagar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Sh. Vaibhav Kumar, learned Metropolitan Magistrate, Patiala House Courts, Delhi, is hereby quashed, subject to a cost of Rs. 10,000/- each to be deposited by the petitioners, as a consolidated amount of Rs. 30,000/- with



Delhi State Legal Services Authority within 07 working days from today.

13. Petition is allowed and disposed of accordingly.

14. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MARCH 21, 2024/bsr