$~65

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

\+ CRL.M.C. 7092/2024, CRL.M.A. 27060/2024

BANK OF BARODA

.....Petitioner

Through: Mr. Aatreya Singh and Mr. Shorya Goel, Advocates with Sh. Siddharth Tyagi A/R through Video Conferencing.

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Hemant Mehla, Ld. APP for State with SI Vikas Yadav, P.S. Badarpur.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

<u>O R D E R</u>

% **09.09.2024**

1. A Petition under Section 528 of BNSS has been filed on behalf of the petitioner Bank of Baroda for quashing of FIR No.438/2019 dated 31.12.2019 under Sections 406/420/467/468/471/34 IPC.

2. Briefly stated, on 02.01.2019 the respondent No.2/complainant received a phone call from a person regarding extension of car warranty. Thereafter, the respondent No.2 handed over an A/c Payee Cheque of Rs.1150/- in favour of Hyundai Private India Limited to one Mr. Mohit Kumar. On 04.01.2019 an unknown person deposited Rs.22,000/- in the account of respondent No.2. Thereafter, the persons representing himself to be Mr. Mohit presented a bearer cheque for Rs.2,00,000/- before the

petitioner and withdrew Rs.2,00,000/- from the account of the complainant/respondent. The respondent No.2 approached the petitioner on 05.01.2019 and enquired about the said transaction and also lodged a complaint with the petitioner and thereafter filed a Consumer Complaint CC/58/2019 for recovery of Rs.1,78,000/- before the District Consumer Disputes Redressal Forum, Qutub Industrial Area, New Delhi. The respondent No.2 also filed a criminal Complaint Ct.Cases/4591/2019 before the District Court, Saket and an FIR No.438/2019 under Sections 406/420/467/471/34 was registered at Police Station Badarpur against the petitioner.

3. The petitioner approached the complainant/respondent No.2 to settle the matter and executed a Declaration on 07.09.2023. Upon the receipt of the principal amount of Rs.1,78,000/- as full and final settlement the petitioner agreed to withdraw the Consumer Complaint and for quashing of FIR No.438/2019.

4. It is submitted that both the petitioners and respondent No. 2 have already sorted out their all differences and they have left with no grudge or grievance against each other in any manner whatsoever. Therefore, the Petition be quashed.

5. The complainant is present in the Court and submits that the matter stands settled with the petitioner and she has received Rs.1.78 lakhs pursuant to the Settlement dated 07.09.2023 and that she has no objection if the FIR is quashed against the petitioner on account of the settlement already arrived at between the parties.

6. The complaint is present before this Court in-person today and Sh. Siddharth Tyagi, A/R of the petitioner Bank has appeared through Video

Conferencing and have been identified by their counsel and Investigating Officer concerned. The respondent No.2 submits that she has received the money and she does not want to pursue with her complaint any further.

7. In view of the submissions made, the Petition is allowed. Accordingly, the FIR bearing No. 438/2019 dated 31.12.2019 registered at Police Station Badarpur, for offences punishable under Sections 406/420/467/468/471/34 of the Indian Penal Code, 1860 with all the subsequent proceedings and the charge sheet is hereby quashed *qua* the petitioner.

8. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 9, 2024/va