(2010) 4 BC 209

Delhi High Court

Case No: Writ Petition (Criminal) No. 1567 of 2008

Kashi Mandal and Others		APPELLANT
	Vs	
State and Another		RESPONDENT

Date of Decision: July 15, 2010

Acts Referred:

- Penal Code, 1860 (IPC) - Section 380, 420, 468, 471

Citation: (2010) 4 BC 209

Hon'ble Judges: S.N. Dhingra, J

Bench: Single Bench

Advocate: Gaurav Kejriwal, for the Appellant; Piyush Singh, for Vikas Pahwa, ASC and Sandeep Yadav, SI, P.S. Naraina, for the Respondent

Final Decision: Dismissed

Judgement

Shiv Narayan Dhingra, J.
This petition is filed by the petitioner for quashing of FIR on the basis of a compromise.

2. The petitioner was facing trial u/s 380, 420, 468 & 471 IPC at P.S. Naraina. As per the allegations made against the petitioner, the petitioner had stolen cheque along with its counter-foil from the office of complainant at Naraina. The complainant learnt about this theft upon reconciliation of his accounts on 21st October, 2008, when he found that amount of Rs. 14,75,000/- had been drawn to the account of petitioner No. 1 Kashi Mandal. The complainant immediately approached his banker and learnt that this amount was transferred on 13th June, 2008 to the account of petitioner No. 1. Further inquiry revealed that the account was opened by the petitioner No. 1 with Union Bank of India for the purpose of encashing the stolen cheque wherein he had filled almost entire amount lying in the account of petitioner No. 2 leaving a balance of only Rs. 16,000/-. An FIR was registered against the petitioner on the basis of complaint of the complainant and the petitioner was apprehended and produced before the court on 24th October, 2008. He

was sent to JC and was released on bail on 24th November, 2008. It is thereafter that the petitioner entered into a compromise and agreed to pay to the complainant a sum of Rs. 14.75 lacs and the present petition was filed after this compromise.

3. It is submitted by Counsel for the petitioner that in view of the amicable settlement arrived at between the parties and in view of the fact that the complainant , who is respondent No. 2 has no objection for quashing of FIR, this FIR should be quashed.

4. The offence committed by the petitioner is not a minor offence or an offence of trivial nature involving some loss of money individually to respondent No. 2. The petitioner first stole the cheque, forged the signatures of the complainant on the cheque, verified what was the amount lying in the bank, prepared forged cheque of the complainant of almost entire amount lying in the bank, opened another account in his name and then got the entire amount transferred in his name. The offence is of forgery, theft apart from cheating were prima-facie committed. Considering seriousness of the offences committed by the petitioner No. 1, I consider it would not be appropriate to quash the FIR. The option of plea-bargaining is available to the petitioner. The petitioner should resort to this option of plea-bargaining if so advised.

5. This petition is hereby dismissed.