

Arindam Ghosh and anr. Vs. State

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Court : Delhi

Decided On : Jul-12-2004

Reported in : 113(2004)DLT681

Judge : C.K. Mahajan, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 408; [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 320 and 482

Appeal No. : Writ Petition (C) No. 828 of 2004

Appellant : Arindam Ghosh and anr.

Respondent : State

Advocate for Def. : Mukta Gupta, Standing Counsel

Advocate for Pet/Ap. : Tarun Sharma, Adv

Judgement :

ORDER

C.K. Mahajan, J.

W.P. (Crl.) 828/2004:

1. Joint petition has been filed by the petitioners seeking quashing of the FIR 382/1998 under Section 408, IPC lodged by petitioner No. 2 against petitioner No.

- 1 with Police Station, Chitranjan Park, New Delhi and subsequent proceedings pending in the Court of Mr. S.K. Aggarwal, MM, New Delhi.
2. Briefly stated facts of this case are that petitioner No. 1 had joined the services of the petitioner No. 2 company as a Customer Care Executive on 15th March, 1997. On account of certain misunderstandings the petitioner No. 2 had got registered as FIR bearing No. 382 of 1998 under Section 408, IPC with the Police Station Okhla on 4th June, 1998. Petitioner No. 1 had resigned and left the employment of petitioner No. 2 company on 1st July, 1998. His resignation was accepted by respondent No. 2 company. Petitioner No. 1 was arrested on 13th July, 1998 and was enlarged on bail by the Trial Court on 18th July, 1998. Charge-sheet was filed on 28th August, 1998. Charge was framed against the petitioner No. 1 under Section 408, IPC on 22nd October, 1999.
3. Both the petitioners have now mutually settled the matter amongst themselves and there are no dues against each other. Petitioner No. 2 company does not wish to pursue the criminal case against petitioner No. 1. Accordingly, the petitioners have jointly filed the present petition for quashing of said FIR,
4. Reliance is placed on a decision of this Court in the matter of Naresh Kumar Singh and Anr. v. State, : 91(2001)DLT614 , wherein a Division Bench of this Court in similar circumstances had quashed the FIR in question registered under 408, IPC.
5. I have heard learned Counsel for the parties. Counsel for the State has no objection to the quashing of the FIR in question.
6. Offence under Section 408, IPC is compoundable as per the provisions of Section 320, Cr.P.C. It can be compounded by the owner of the property. In this case company has compounded the offence. therefore, this is a fit case where the FIR in question should be quashed. It will not serve any purpose in asking the petitioner No. 1 to approach the Metropolitan Magistrate for compounding the offence because that would amount to prolonging the agony of the parties. Accordingly, FIR No. 382/1998 under Section 408 registered at P.S. Okhla and proceedings there under pending before the Court of Mr. S.K. Aggarwal, MM, New

Delhi are quashed.

7. The petition stands disposed of.

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