

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No. M-33670 of 2014
Date of decision : 05.02.2015**

Santokh Singh & anotherPetitioners
versus
State of U.T. Chandigarh & another ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Jain, Advocate for the petitioner.

Ms. Bhupinder Kaur, Advocate for
Mr. Sukant Gupta, Addl. P.P. U.T. Chandigarh.

Mr. Devender Nirban, Advocate for the complainant.

RITU BAHRI, J. (Oral)

Quashing of the FIR No.82 dated 12.02.2014 under Sections 420/120-B of IPC, registered at Police Station Sector-34, Chandigarh (Annexure P/1) and its consequential proceedings on the basis of settlement arrived at between the parties on 10.09.2014 (Annexure P/4) at the Mediation/Conciliation Centre, Chandigarh qua the present petitioners, is being sought.

FIR was registered by Gurpreet Kaur-complainant/respondent No.2 alleging that the Pink Rose Cooperative House Building Society was registered on 31.03.1983 having 292 eligible members out of which 151 names were cleared for allotment of flats and land was allotted on 24.01.2002. Inerjit Kaur-petitioner No.2 was one of the eligible members but due to higher cost of flats, she withdrew her name from the membership of the above Society and requested for refund of the entire amount

deposited by her and amount was withdrawn by her on 18.07.2003. A general power of attorney was executed in favour of Santokh Singh-petitioner No.1 on 07.07.2009, which was cancelled on 30.04.2010. accused No.5 entered into an agreement to sell in illegal manner with the complaint on 26.02.2010 being the general power of attorney of Inderjit Kaur in respect of her flat for a premium of Rs.45 lacs. Since Inderjit Kaur had surrendered her membership, the agreement to sell in favour of Gurpreet Kaur was done wrongfully. The sale was made by execution of general power of attorney in favour of the complainant-Gurpreet Kaur. Many payments were made to the Society by cheques from the account of Manjeet Singh, husband of the complainant. Thereafter, the dispute was mutually settled between the accused No.1 and accused No.2 Inderjit Kaur and Santokh Singh respectively. In the meantime, accused No.1 was litigating for restoration of her membership in the Society by making representation to the Registrar Cooperative Society, Chandigarh. The complainant was made to make wrongful payment of Rs.67.50 lacs for purchasing this flat, which was in dispute.

A settlement has been arrived at between Inderjit Kaur and Santokh Singh as per the settlement agreement Annexure P/4. Pursuant to the order dated 29.09.2014, status report has been received from the Judicial Magistrate 1st Class, Chandigarh. Statement of Gurpreet Kaur-complainant/respondent No.2 has been recorded on 21.01.2015 that she was compromised the matter in the Mediation and Conciliation Centre of the Punjab & Haryana High Court and has no grudge against Santokh Singh

and Inderjit Kaur-present petitioners. The balance amount of Rs.7 lacs is to be paid in the High Court at the time of hearing of the quashing petition and she will hand over the original share certificate, receipts, GPA and cancelled power of attorney of Santokh Singh to the accused persons in the Court. Statements of Santokh Singh and Inderjit Kaur have also been recorded to the same effect.

Counsel for the parties have informed this Court that pursuant to the statement made on 21.01.2015, balance amount of Rs.7 lacs has been paid to the complainant by the petitioners and the necessary papers i.e. original share certificate, receipts, GPA and cancelled power of attorney have been handed over to the petitioners.

Consequently, in view of the status report and in view of the judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429**, the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052**, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.82 dated 12.02.2014 under Sections 420/120-B of IPC, registered at Police Station Sector-34, Chandigarh (Annexure P/1), is quashed with all consequential proceedings arising therefrom qua petitioners.

The petition stands disposed of qua petitioners.

05.02.2015
Vinay

(RITU BAHRI)
JUDGE