

**222 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

HEMLATA
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CRM-M-No.43296-2014

Date of Decision: 17.03.2015

ASHWANI KUMAR

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Manish Kumar Singla, Advocate
for the petitioner.

Mr.P.P.Chahar, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks release of an amount of Rs.2,20,000/- recovered by the police as case property in FIR No.167 dated 06.08.2010 registered under Section 392 IPC, Police Station Sadar Kaithal. The FIR in question was registered at the instance of one Balwinder Singh but later on he himself disclosed to his complicity that he himself in connivance with other persons have embezzled the sugar bags and instead of delivering the same to the right destination, they sold the same at a cheaper rate. The controversy in question was amicably settled between the parties i.e. Mahender Kumar as first party and Ashwani Kumar and others as second party vide settlement dated 23.10.2013/11.11.2013. The said compromise was made basis for quashing of FIR in CRM-M-41326 of 2013 which was ultimately allowed and the FIR in question was ordered to be quashed along with all consequential proceedings emanating therefrom.

In view of para No.3 of the compromise, the first party has no objection, if the amount deposited with the police or with the

Court is released in favour of Ashwani Kumar as he is the only rightful person to claim the amount in question.

Mr. Chahar, DAG, Haryana on instructions from ASI Ram Bhajan, states that respondents have no objection to such a course, if the amount lying deposited with the police as case property is handed over to the petitioner.

Since the FIR in question has already been quashed, release of the amount in question in favour of petitioner-Ashwani Kumar would be just and appropriate in the interest of justice.

Ordered accordingly.

(RAJ MOHAN SINGH)
JUDGE

March 17, 2015
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