

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

CRM-M No. 5928 of 2015 (O&M)

Date of Decision: 28.10.2015

Sanjay Raghunath Prasad Gupta

..... Petitioner

Versus

Senior Superintendent of Police, Chandigarh and Others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Puneet Kansal, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, APP, U.T., Chandigarh
for respondent Nos. 1 and 2.

Mr. Manjit Singh, Advocate
for respondent No. 3/complainant.

JASWANT SINGH, J. (ORAL)

Prayer is for quashing the FIR No. 133, dated 15.03.2014, for offence punishable under Section 420 of the Indian Penal Code, registered at Police Station Sector-34, Chandigarh.

As per allegations, the complainant, namely Sardar Boota Singh (respondent No. 3 herein) was induced to deposit a sum of Rs. 9,50,000/- with Neesa Leisure Ltd. Company, having its registered office at Gandhi Nagar, Gujarat. Subsequently, neither the money was refunded nor the dividend had been paid and also the entire amount with its maturity value was not returned.

In the aforesaid FIR, one Sandeep Jaswal and Asha wife of Sanjay Bhandari are also alleged to have made a payment of Rs. 1 lac and Rs. 50,000/- respectively, which was not being refunded.

The petitioner is one of the alleged Executive Director of the Company and filed the present petition under Section 482 of the Criminal Procedure Code for quashing the aforesaid FIR, primarily on the basis that

he has nothing to do with the affairs of the company, however, on of the previous date of hearing, he had offered to refund the entire amounts due to the three persons, namely, Sardar Boota Singh, Sandeep Jaswal and Asha wife of Sanjay Bhandari.

Accordingly on the previous date of hearing i.e. 27.07.2015, a sum of Rs. 4,75,000/- was refunded to Sardar Boota Singh, Rs. 50,000/- to Sandeep Jaswal and Rs. 25,000/- to Smt. Asha. The said payments were made by way of demand drafts through counsel for the complainant/respondent No. 3.

At the time of hearing today, the remaining amount of Rs. 4,75,000/- of complainant-Sardar Boota Singh, Rs. 50,000 of Sandeep Jaswal and Rs. 25,000/- of Smt. Asha payable by way of demand drafts have been handed over to Sh. Manjit Singh, Advocate for the complainant.

The aforesaid three persons are present in Court and acknowledge the receipt of the said amounts.

Learned Assistant Public Prosecutor, Union Territory, Chandigarh, on instructions from Inspector Chiranji Lal, states that the matter is still under investigation and challan is yet to be presented, however, in view of the payments made to the aforesaid three persons, the same does not oppose the quashing the aforesaid FIR.

Learned counsel for the complainant, on instructions from his client, states that he has no objection if the aforesaid FIR is quashed.

In view of the above said developments, the petition is allowed and the aforesaid FIR is quashed.

October 28, 2015

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**(JASWANT SINGH)
JUDGE**