

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

CRL. MISC. No.M-22012 OF 2016
DATE OF DECISION : 22nd SEPTEMBER, 2016

Anil Galav

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. S. K. Verma, Advocate for the petitioner.

Ms. Tanu Shree Gupta, DAG, Haryana.

Ajay Mohan Goyal Complainant – in person.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.22 dated 07.01.2016 registered under Sections 420, 468 & 471 IPC at Police Station City Sirsa, District Sirsa.

Heard learned counsel for the rival parties.

The dispute between the complainant and the petitioner-accused is that the petitioner sold a vehicle-Bolero Jeep bearing registration No.HR-26-AC-0026 model 2012 to the complainant-Ajay Mohan Goyal son of Om Parkash R/o New Grain Market, Sirsa, for which he received an amount of ₹3,11,000/- from him and delivered the vehicle in May, 2015. However, the vehicle was not transferred in his name in RTO records. It is in that context the FIR was lodged in the Police Station.

In the present bail petition this Court had, having made interim order on 08.07.2016, asked the counsel for the complainant on 14.09.2016 to take instructions if the complainant would return back the said vehicle to the petitioner-accused if the petitioner accused pays back the amount of consideration of ₹3,11,000/- which was received by the petitioner. Today the complainant is present in person before the Court and he makes statement that he would like to accept the amount of ₹3,11,000/- by cheque from counsel for the petitioner in order to settle the dispute in entirety and return the vehicle also after realization of the cheque.

In my opinion, looking to the nature of the dispute it would not be worthwhile to continue with the prosecution since the complainant who has agreed to accept the amount of ₹3,11,000/- and to return the vehicle in question to the petitioner-accused simultaneously after realization of the cheque amount in his account or within a week from the actual realization of the cheque, the prosecution itself would become unnecessary.

In that view of the matter, I think that even the FIR No.22 dated 07.01.2016 registered under Sections 420, 468 & 471 IPC at Police Station City Sirsa, District Sirsa, should also be quashed. Since there is no prayer for quashing the said FIR, leave is granted to the petitioner to amend the prayer clause for quashing the FIR in question. The amendment be carried out within one week from today.

The petitioner's counsel has handed over a cheque in the sum of ₹3,11,000/- to the complainant. The complainant shall handover

the vehicle only after realization of the cheque amount in his account and preferably on or before 07.10.2016.

It is made clear that if the cheque in the sum of ₹3,11,000/- given to the complainant is not realized, the present order, quashing the FIR as well as granting anticipatory bail to the petitioner, shall stand revoked automatically without reference to the Court and in that event the petitioner shall pay a sum of ₹50,000/- as costs to the complainant.

In the result I make the following order:

ORDER

- (i) Petition for grant of anticipatory bail in FIR No.22 dated 07.01.2016 is allowed. Interim order dated 08.07.2016 is made absolute.
- (ii) The FIR No.22 dated 07.01.2016 registered under Sections 420, 468 & 471 IPC at Police Station City Sirsa, District Sirsa, is quashed in the light of ***Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Criminal) 543.***
- (iii) The complainant-Ajay Mohan Goyal shall return the vehicle on or before 07.10.2016, naturally after realization of the cheque tendered to him today by counsel for the petitioner.
- (iv) In case, the cheque is not realized on or before 07.10.2016, the present order granting anticipatory bail as well quashing of FIR shall stand automatically recalled without reference to this Court with further stipulation that the petitioner shall pay an amount of ₹50,000/- to the complainant as costs.

(v) In case the order is not obeyed by the petitioner-accused the same shall be treated as contempt of this Court and this court would proceed against the petitioner.

(vi) Liberty is in favour of the petitioner to move this court in the instant petition in case the complainant does not return the vehicle.

Disposed of accordingly.

22ND SEPTEMBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE