

CRM No. M- 46713 of 2016 (O&M) -2-

M/S C.L.Trading Company and two other companies which are being managed by the complainant, namely, Goodrich Carbohydrates and Goodrich Nutriesters Private Limited.

It is contended that the present FIR is nothing but a method towards arm twisting to extract more money from the partnership firm belonging to the petitioners. To show their bona fides, placed on record at Annexure P-6, are copies of three separate demand drafts total amounting to Rs.13,01,638/- which the petitioners themselves admit as their liability towards the firm being managed by the complainant party.

Notice of motion, returnable by 20.02.2017.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Vide order carrying even date i.e. 29.12.2016, notice of motion was even issued in CRM No. M-46771 of 2016 to the following effect:-

“Counsel contends that the main accused i.e. Rajesh Sindhwani and Jitender Sindhwani who in fact were partners in the partnership firm have been granted interim protection by this Court vide order carrying even date in CRM No. M-46713 of 2016. Further submitted that the present petitioner has no role whatsoever to play and has been implicated merely on account of the fact that he is the son of Jitender Sindhwani one of the main accused and who is a partner in the accused partnership firm, namely, M/S. C.L.Trading Company.

Notice of motion, returnable by 20.02.2017.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the

CRM No. M- 46713 of 2016 (O&M) -3-

Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Hari Kishan would apprise the Court that petitioners in both these connected petitions have since joined investigation.

Furthermore, the contention raised by counsel appearing for the petitioners that a compromise/settlement has been arrived at between the parties, is not disputed by learned State counsel. Rather State counsel submits that the complainant has filed an affidavit before the Investigating Agency admitting to the factum of a settlement.

Under such circumstances, custodial interrogation of the petitioners would not be warranted. Accordingly, the present petitions are allowed. The orders dated 29.12.2016, passed in CRM No. M-46713 of 2016 and CRM No. M-46771 of 2016, are made absolute.

Petitions disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

20.02.2017
lucky

Whether speaking/reasoned: Yes
Whether Reportable: No