

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.201

CRM-M-43506-2018 (O&M)

Date of decision : 12.4.2019

Smt. Savitri and another

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sumit Sangwan, Advocate, for the petitioners.

Mr. Arun Beniwal, DAG, Haryana.

Mr. Abhishek S. Bhaskar, Advocate, for respondent No.2.

SUDHIR MITTAL, J. (Oral)

This is the second petition filed by petitioner No.1 for grant of anticipatory bail in case FIR No.339 dated 4.9.2017, registered at Police Station City Dadri, District Charkhi Dadri, under Sections 420, 467, 468, 471, 506 IPC.

The aforementioned FIR came to be registered on the allegations that the petitioners took money from the complainant on the pretext of sale of land to him, whereas the land agreed to be sold was not owned by them and an imposter was produced at the time of execution of agreement to sell.

Vide order dated 3.7.2018 passed by this Court, CRM-M-36472-2017 filed by petitioner No.1 was dismissed on merits. Thereafter, the present petition has been filed on the basis of a compromise dated 16.7.2018 (Annexure P2) having been reached between the parties.

Keeping in view the aforementioned compromise, interim protection was granted to the petitioners vide order dated 3.10.2018. On the adjourned date of hearing, Sh. Abhishek S. Bhaskar, Advocate, put in appearance and stated that there was no compromise between the parties as no money had been paid to the complainant.

Since another counsel, namely, Sh. Vikrant Rana, Advocate, had put in appearance on the earlier date, a direction was issued to the FSL, Madhuban, to compare the signatures of the complainant on both powers of attorney. Report dated 18.1.2019, was received, according to which, the complainant had signed both the powers of attorney and hence, vide order dated 28.1.2019, the complainant-respondent No.2 was directed to remain present in Court. A direction was also given to the concerned Senior Superintendent of Police to find out whether money had exchanged hands or not.

Today, affidavit dated 11.4.2019 of the Superintendent of Police, Charkhi Dadri, has been filed in Court which is taken on record. According to this affidavit, although the persons who are witnesses to the compromise dated 16.7.2018 have stated that a sum of Rs.18 lacs was paid to the complainant, no proof of payment could be produced. The conclusion reached therefore, is that it cannot be definitely said whether money was paid or not.

I have put questions to the complainant in Court and I am satisfied that he is speaking the truth. It does not appear that any money has been paid and therefore, the complainant-respondent No.2 is justified in refuting the compromise dated 16.7.2018.

The earlier petition was dismissed on merits. The compromise has not been honoured and thus, there are no changed circumstances. The petition is accordingly, dismissed as being not maintainable.

(SUDHIR MITTAL)
JUDGE

12.4.2019

Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No