

CRM-M-6872-2020 (O&M)

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

CRM-M-6872-2020 (O&M).
Date of Decision:-14.09.2021.

Anita Mahajan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vishal Munjal, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

CRM-29118-2021

This is an application under Section 482 Cr.P.C. to place on record the compromise dated 30.10.2020 executed between the parties.

The application is allowed and the compromise dated 30.10.2020 is taken on record.

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This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.375 dated 26.12.2019 under Section 420 IPC, registered at Police Station City, Kapurthala, District Kapurthala.

Mr. Sunil Aghnihotri, Advocate has appeared and filed his vakalatnama on behalf of the complainant. The same is taken on record.

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On 19.02.2020, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“It is stated that the petitioner is aged about 60 years and her son Anshul Mahajan was managing the whole affairs of the concern. She is ready and willing to join the investigation and to give demand draft in the sum of Rs. 7 lacs to show her bona fides.

Notice of motion for 15.4.2020.

The petitioner is directed to join the investigation by contacting the Investigating Officer within 7 days from today and render all sort of cooperation. She is to deposit the demand draft in the sum of Rs.7 lacs in the name of complainant, with the Investigating Officer who shall hand over the same to the complainant against valid receipt and then inform the Court in that regard. On her doing so and joining the investigation, if she is arrested, she is to be released on interim bail subject to the satisfaction of the Investigating Officer/Arresting Officer. She would surrender her passport before the Investigating Officer, if she has got one, otherwise would furnish a duly sworn affidavit that she do not hold any passport.”

Learned counsel for the petitioner has submitted that in fact the entire matter has been compromised and has referred to the compromise dated 30.10.2020 to submit that in the said compromise the complainant

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Bipan Gupta alias Bipan Kumar is also a signatory and on the basis of the said compromise, a petition under Section 482 for quashing of the FIR on the basis of the compromise has been filed today.

Learned counsel for the complainant, who is also present in Court has submitted that the matter has been compromised and the compromise is duly executed and without any undue pressure and coercion and has stated that he has no objection in case the present petition for anticipatory bail is allowed.

Learned State counsel has submitted that although he has no knowledge about the compromise but in case the compromise has been effected between the petitioner and the complainant as stated by their counsels, the State would have no objection.

Keeping in view above facts and circumstances, moreso, the fact that the matter has been amicably settled and a compromise has been effected between the parties, the present petition is allowed and the order dated 19.02.2020 is made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 14, 2021.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No