

201/2

Through Video Conferencing

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

Date of decision: 10.09.2021

(1) CRM-M-27421-2019 (O&M)

Prashant Kumar Mishra

....Petitioner

versus

State of Haryana and another

....Respondents

(2) CRM-M-27467-2019 (O&M)

Deepti Sareen

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: - HON'BLE MR. JUSTICE VIKAS BAHL.

Present: Mr. Prateek Gupta, Advocate,
for the petitioner(s).

Mr. Manish Dadwal, Assistant Advocate
General, Haryana.

Mr. H.S. Deol, Advocate,
for the complainant.

VIKAS BAHL, J. (ORAL)

By this common order, two cases in **CRM-M-27421-2019** filed by **Prashant Kumar Mishra** and **CRM-M-27467-2019** filed by **Deepti Sareen** seeking anticipatory bail in case FIR No. 85 dated 07.02.2019 under Sections 120-B, 384, 406, 448, 465, 467, 468, 471, 506 and 511 IPC, registered at Police Station Palam Vihar, Gurugram, District Gurugram, are being disposed of.

On 04.03.2020, when the case came up for hearing, a Co-ordinate Bench of this Court was pleased to pass the following order: -

'Petitioners Deepti Sareen and Prashant Kumar Mishra and complainant Manoj Kumar are present in the Court.

Both the petitioners have stated that they are willing to vacate the house in dispute, however, some time be given to them for that purpose. They have requested for grant of six weeks' time starting from today for that purpose. The petitioners have also agreed to withdraw the suit for grant of permanent injunction filed by them against the complainant. The complainant has accepted such offer stating that on petitioners vacating the house and withdrawing the suit for grant of permanent injunction he would not pursue the criminal case and would make statement before the police or in the Court or furnish affidavit, if so required for the purpose of getting the F.I.R. cancelled/quashed. The petitioners have also agreed to forego any claim with regard to expenditure incurred by them on renovation/repair of the house in question. Both the parties shall remain bound with their statements made in the Court today.

Adjourned to 6.5.2020.

Interim order to continue till then.

A photocopy of this order be placed on the connected file.'

Subsequently, on 14.05.2020, the following order was passed:-

'Case taken up through video conferencing.

This is an application for extension of time awarded by this Court to the petitioners to vacate the the premises in question. Vide order dated 4.3.2020 petitioner (s) – Deepa Sareen

and Prashant Kumar Mishra were granted six weeks time to vacate the house. The other terms and conditions of the settlement entered into between the parties were also detailed in the said order. The application under reference has been filed by the petitioner contending that on account of lockdown due to Covid-19 pandemic, the petitioners could not vacate the house within stipulated time. However, a rented premises has been found out, which require minor repairs and some more time is requested for vacation of the house in question.

On being put to notice, learned counsel appearing on behalf of the complainant has stated that he has no objection, if the request of the petitioners is acceded to in view of the prevailing situation. As such the petitioners are granted four weeks more time starting from today to vacate the house in question and to comply with other terms and conditions detailed in order dated 4.3.2020.

Be listed on 3.7.2020, the date already fixed in the case. Compliance shall be reported on that date.

Interim order is to continue till then.

A photocopy of this order be placed on the connected case file '.

Thereafter on 03.07.2020, a Co-ordinate Bench of this Court passed the following order:-

'Case taken up through video conferencing.

Learned counsel for the applicants/petitioners states that the petitioners have since vacated the premises and handed over the keys to the Investigating Officer SI Madan of Police Station Palam Vihar, Gurugram. They have got the electricity connection disconnected and further they have withdrawn the

civil suit filed by them, in that way complying with the terms and conditions of the settlement. However, learned counsel for respondent No.2 states that the possession has not been handed over to complainant/respondent No.2 so far and the petitioners instead of handing over the possession of the premises have statedly given keys to the Investigating Officer, which is not due compliance of the terms and conditions.

Learned State counsel, on instruction states that the keys of the premises in question have since been handed over by petitioner Deepti Sareen to the Investigating Officer on 01.07.2020. Under the circumstances, the Investigating Officer shall hand over the keys of the premises in question to the complainant against receipt. The State counsel shall inform the Investigating Officer in that regard immediately.

Learned counsel for the complainant/respondent No.2 states that the complainant has filed an application for initiating contempt proceedings against the petitioners, which is listed for 06.07.2020. Let this matter be also listed for that date. Learned counsel for the complainant may ensure that the complainant goes to the police station concerned at the earliest and there the Investigating Officer shall hand over the keys to him.

Learned counsel for the applicants/petitioners may place on file the supporting documents with regard to the statement made by him regarding vacation of premises by the petitioners and handing over keys to the Investigating Officer as well as withdrawal of the civil suit filed by her.

Interim order to continue till then.

Photocopy of this order be placed on the connected file.'

On 06.07.2020, the following order was passed: -

'The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

Learned counsel for complainant-respondent No.2 states that the complainant is a resident of Bihar and due to lockdown, he is unable to come to Delhi to take the possession of the premises in question. Therefore, he has nominated his nephew, Ravi Kumar S/o Ashok Kumar, resident of Plot No.18, Dwarka, South-West Delhi.

In view of the above, let the possession be now handed over to the nominee of respondent No.2, namely, Ravi Kumar, after verification of his identity.

Disposed of.

Photocopy of this order be placed on the file(s) of the connected case(s).'

A perusal of the above said orders would show that apparently a compromise had been effected between the petitioner(s) and the complainant-Manoj Kumar and as per the said terms, the petitioner(s) were to vacate the house in dispute and were to withdraw the suit for permanent injunction. The complainant was required to make a statement before the police or in the Court to furnish an affidavit, if so required, for the purpose of getting the FIR quashed. After the sanction was granted by the Co-ordinate Bench of this Court on 14.05.2020, it transpired that the petitioner(s) had given possession to the Investigating Officer and since the complainant was a resident of Bihar thus he had nominated one Ravi Kumar to get the possession.

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Today, learned counsel for the petitioner(s) as well as the

complainant have submitted that the possession of the property in question had been handed over to the complainant.

Learned counsel for the petitioner(s) has submitted that the Civil Suit had been withdrawn which fact has not been disputed by the learned counsel for the complainant.

Learned State counsel has submitted that the petitioner(s) had joined the investigation.

Keeping in view the above-said facts and circumstances, more so the fact that the petitioner(s) have complied with this part of undertaking, this Court finds that both the aforesaid petitions filed by **Prashant Kumar Mishra** and filed by **Deepti Sareen** deserve to be allowed.

In view of the above, the interim orders dated 27.06.2019, passed in both the petitions separately, are ordered to be made absolute.

Accordingly, the present petitions are allowed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

Pending miscellaneous application, if any, shall also stand disposed of.

A photocopy of this order be placed on the connected file.

10.09.2021
preeti

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No