

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2021.10.04 14:10
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CRM-M-41120-2021

Date of decision : 1.10.2021

Anuj Gureja and others

..... Petitioner (s)

Versus

State of Haryana and another

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Viraj Gandhi, Mr. Aditya Singla, Advocates
for petitioners.

Mr. Vishal Malik, DAG Haryana.

Mr. Amandeep Singh, Advocate
for respondent No. 2.

(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

This petition has been filed under Section 482 Cr.P.C. for setting aside the order dated 6.9.2021 of JMIC, Gurugram whereby the application of petitioners seeking directions to de-freeze their bank accounts has been dismissed.

The petitioners are accused in FIR No. 267 dated 28.9.2020 under Sections 406, 408, 420, 120 B IPC (Sections 467, 468, 471 IPC added later on) Police Station DLF Phase III, Gurugram. Respondent No. 2 is complainant in said FIR.

It is the case of the petitioners and respondent No. 2 that the matter has been compromised between the parties. A Memorandum of Settlement dated 7.7.2021 (re-signed on 6.8.2021) has been entered into between them. As per the Settlement, it has been agreed that the Counter Party (the accused in the case) would pay to the First Party (Philips India Ltd.) Rupees Fourteen Crore thirty lakh only by way of demand drafts on the date of signing of the Settlement. The Counter Parties would also hand over Post Dated Cheques of Rupees Four Crore Seventy Lakh only in favour of the First Party.

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It was agreed that after the signing of the Settlement, the Counter Parties would make an application before the competent Court for de-freezing of the bank accounts which were frozen by the Investigating Agency. On the filing of such application, the First Party shall give its No Objection for the de-freezing of such accounts without demur or delay.

It was also agreed that within 30 days of the date of the signing of the Settlement the Counter Parties would file a petition before the High Court for quashing the FIR. The parties shall appear before the Trial Court on the date fixed by the High Court for recording their statements. At the time of making the statement by the First Party before the Trial Court the Counter Parties shall hand over to the First Party Demand Drafts totalling Rupees Four Crore Seventy Lakh only. On receipt of the Demand Drafts the First Party shall return the Post Dated Cheques given by the Counter Parties.

Mr. Ghai Ld. Senior Counsel states that as per the Settlement, the petitioners have filed a petition (CRM-M-37896-2021) seeking quashing of FIR. In that petition, parties have been asked to get their statements recorded before the concerned trial Court/Duty Magistrate on 6.10.2021. The petition is pending for 21.11.2021. The petitioners moved an application for de-freezing the bank accounts before the Ld. JMIC, Gurugram which has been dismissed vide the impugned order.

The parties have already entered into a Settlement and in terms of compromise/Settlement have filed a petition seeking quashing of FIR wherein directions have been issued to the parties to get their statement recorded before the Trial Court. As per the Settlement, the Counter Parties were to move an application before the Magistrate for de-freezing of bank accounts which were ordered to be frozen during the investigation. The Counter Parties are to prepare bank drafts of amount equivalent to post dated cheques from these bank accounts and hand over the same to the First Party on the date of recording of their statements before the trial Court which date is 6.10.2021 or any other date convenient to the Court.

Ld. Counsel for the Complainant as also the State of Haryana state that in view of the Settlement they have no objection to the de-freezing of the bank accounts of the petitioners.

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In view thereof, this petition is allowed. The order dated 6.9.2021 of the JMIC, Gurgram is quashed. The Investigating Officer is directed to de-freeze the bank accounts of the petitioners as find mention in Annexure V of the Settlement aforementioned.

(HARINDER SINGH SIDHU)
JUDGE

1.10.2021

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No