

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-31864-2018 (O&M)

Date of Decision:- 24.11.2022

Ravish Manchanda

... Petitioner

Versus

State of Haryana and another

... Respondents

(II)

CRM-M-28820-2018 (O&M)

Kulwant Kaur and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Gupta, Advocate with
Mr. Manjula Gupta, Advocate, for the petitioner(s).

Mr. Rahul Mohan, DAG, Haryana.

Mr. K.P.S.Dhillon, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Ravish Manchanda, Kulwant Kaur and Satvinder Singh, seek quashing of FIR No. 89, dated 28.3.2016, Police Station Ambala City, District Ambala, under Sections 406, 420 IPC.

2. The facts of the case as stated in the reply filed by Mr. Joginder Sharma, Deputy Superintendent of Police, Ambala in para No.3 are reproduced hereunder:

“3. That complaint no. 82-5P dated 09.02.2016 of complainant Bank of India, Railway Road, Ambala City addressed to Director General of Police Sec-6 Panchkula, with allegations & prayer for registration of FIR against named accused i.e. 1) Sh. Ravish Manchanda son of Om Parkash R/o 2968/2, Ambala City, 2). Vishal Saini son of Darshan Lal R/o 388-A Model Town, Ambala City, 3) Smt Kulwant Kaur Saini D/o Ujagar Singh Saini W/o Satvinder Singh & 4) Satvinder Singh S/o Sh.Kehar Singh Saini both residents of 3542/12 Manmohan Nagar Ambala City and any other person, who is found guilty during investigation, after enquiry by Economic Offence Wing, Ambala with contents of complaint. It is respectfully submitted that "Ravish Manchanda S/o Om Parkash R/o H. No. 2862/2 Arya Mohalla Ambala City was in need of finances for purchase of built up house and he approached Bank of India Railway Road Branch Ambala City for the advancement of Housing Loan and submitted application in respect thereto. The accused No.2 Sh. Vishal Saini also made the said request. On their request, Branch officials sanctioned & advanced sum of Rs. 17,33,000/- Housingloan to co-accused Ravish Manchanda for purchase of build up house Tax No. 10746 old Post office Road, Mohalla Khrasian Ambala City, comprised in Area 175 Sq. Yds, which house was purchased by Ravish Manchanda from Sh. Lalit Mohan S/o Jagan Nath R/o H. No. 10746/6 Old Post Office Road Mohalla Kharasian Ambala City vide Sale deed No. 9550 dated 14.02.2012 which was kept as security with the complainant Bank by Ravish Manchanda borrower/mortgager, who created equitable Mortgage by depositing Original sale deed with the Bank in consideration of loan Amount & Ravish Manchanda accused No. 1 also executed Security Documents in consideration of loan amount, Vishal Saini accused No. 2 executed a continuing Guarantee deed in consideration of loan amount, undertaking therein to repay the entire loan amount in terms of guarantee deed dated 13.01.2012. Advancement of loan to Ravish Manchanda & Creation of Mortgage by depositing the sale deed No. 772 dated 07.05.2012 was well within the knowledge of all accused that Ravish Manchanda has already availed loan against this property. They also executed the Security Documents in consideration of Rs.13,21,000/-, on 05.05.2012 in favour of BOI, New Grain Market Branch Ambala City. They also availed the loan amount by making debit & credits in the loan amount duly maintained in the Branch office at New Grain Market, Ambala City and rest of the area measuring 65 Sq. Yds. was sold to Smt. Krishna Rani vide sale deed no.4227 dated 26.09.2012 & thereafter Ravish Manchanda sold Area measuring 110 Sq. Yds, Out of 175 Sq. Yds, vide sale deed No.6189 dated 28.12.2012 to Garish Mohan son

of Surinder Mohan, and the said sale deed was also witnessed by accused No. 2 namely Vishal Saini. Ravish Manchanda again executed sale deed No. 1255 dated 28.05.2013 in respect of area measuring 110 Sq. Yds out of total 175 Sq. Yds, in favour of Veena wife of Subhash Chand. All these sale deeds were executed by accused No.1, in conspiracy with Vishal Saini, Kulwant Kaur Saini and accused Satvinder Singh without payment of adequate consideration, intending thereby to prevent the bank from recovering the loan amount and they were fully aware of the fact that property in question is subject to mortgage with complainant Bank in consideration of loan amounting to Rs.17,33,000 & Rs. 13,21,000/- to be paid along agreed rate of interest & other charges accrued thereon. All accused in conspiracy with each other and having meeting of minds, in a planed manner made false statement relating to consideration at the time of transfer of house in question, in favour of vendees of said sale deed, who also seems to be in collusion with accused and by doing so they have also cheated complainant Bank and by doing so, accused have committed offences under Sections 415, 421, 423, 468, 471 with 120-B of the IPC. It is therefore prayed that SHO P.S Ambala City be directed to register FIR, investigate and put Challan for trial in the competent Court of Law and any other person, who is found guilty during investigation, may also be tried and prosecuted for the offence Committed. The complainant filed complaint dated 09.02.2016 through its Chief Branch Manager Rakesh Garg and on basis of which FIR 89 dated 28.03.2016 U/s 406,420 IPC (Annexure P-1) P.S Ambala City was registered against named accused, for investigation.”

3. During the course of pendency of these petitions, learned counsel for the petitioners had represented that the matter stands amicably resolved amongst the parties and the entire amount stands paid to the bank.
4. Today, Mr. K.P.S.Dhillon, Advocate, representing Bank of India has filed reply in the shape of affidavit of Sh. Naveen, Senior Branch Manager, Bank of India, Railway Road, Ambala City, which is taken on record. Learned counsel has submitted that the matter has been amicably resolved amongst the parties and accordingly as per the compromise policy, the entire amount has been paid by the

petitioners to the bank and bank as of now has no claim qua them and has closed the account.

5. In view of the aforestated submission and also taking to account reply filed by the State and the fact that the entire amount has been paid back, this Court is of the opinion that this is a fit case for quashing of the FIR on the basis of compromise particularly bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab. As such both the petitions are allowed and FIR No. 89, dated 28.3.2016, Police Station Ambala City, District Ambala, under Sections 406, 420 IPC and all subsequent proceedings emanating therefrom are hereby quashed qua the petitioners.

24.11.2022

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No