

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35909-2018

Date of decision: April 02, 2022

Sunny Bansal

....Petitioner

Versus

Central Bureau of Investigation and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Keshavam Chaudhari, Advocate
for the petitioner.

Mr. Sumeet Goel, Senior Advocate with
Mr. Paramveer Dhull, Advocate
for respondent No.1-CBI

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. H.S. Bhatia, Advocate
for respondent No.6-PNB

Mr. Nitin Jain, Advocate and
Mr. Rahul Mahajan, Advocate for
Mr. P.S. Ahluwalia, Advocate
for respondents No.7 and 8.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for transferring the investigation of the case to some independent agency, like CBI or in the alternative to quash the FIR No.79 dated 7.3.2018 under Sections 406, 420, 120-B IPC, registered at Police Station Zirakpur, District SAS Nagar, Mohali as well as the order dated 6.7.2018 passed by the trial Court vide which the arrest warrants have been issued against the petitioner.

Counsel for the petitioner has argued that as per the allegations in the FIR registered at the instance of Nitika Jain, it is stated that in the month of March, 2011, the marking agent of Royal Estate Chandigarh Ambala Highway

at Zirakpur approached the complainant with a proposal that a residential project is being developed in village Gazipur, Zirakpur, SAS Nagar, Mohali.

The petitioner is the Director of the said Company, which was named as 'Aero Homes'. After giving the details of the project and the payments made by the complainant, i.e. total of Rs.50,32,057/-, it is stated that neither the project was completed nor the amount was returned despite a lapse of six months and, therefore, the intention of the accused person was to cheat them.

Counsel for the petitioner submits that now the complainant-respondents No.7 and 8, i.e. Alok Jain and Nitika Jain have settled the dispute with the petitioner before the Mediation and Conciliation Centre at SAS Nagar, Mohali on 3.12.2018 in which it was agreed that the petitioner has given two cheque of Rs.16,50,000/- each and one cheque of Rs.17,00,000/-, total of which comes to Rs.50,00,000/- as full and final settlement to the complainant.

The complainant has also placed on record his affidavit dated 3.3.2022, wherein acknowledging the settlement agreement before the Mediation and Conciliation Centre, SAS Nagar dated 3.12.2018, wherein it is stated that on receiving the amount, the execution filed by them before the Permanent Lok Adalat was got dismissed in default. In Para 8 of the affidavit, it is specifically stated that the matter stands settled and the complainants have received the payment as per the compromise and they have no objection if the present FIR No.79, on the basis of compromise, is quashed.

It is further stated that the original documents pertaining to the proposed Flat No.804 for which the payment was made was in possession of the deponent and copy was attached as Annexure R7/3, collectively.

Learned State counsel, on the basis of the affidavit of Assistant Superintendent of Police, Dera Bassi has submitted that no case of transfer of investigation to the CBI is made out as the challan under Section 173 Cr.P.C. has already been presented on 3.9.2018 and, thereafter, the case was fixed for appearance of the petitioner as he failed to appear vide impugned order dated

6.7.2018, the trial Court has directed the petitioner to be summoned through warrants. It is also stated that some other complaints are also pending against the petitioner.

Learned counsel appearing the PNB has not opted to file any reply and has not contested the case.

After hearing learned counsel for the parties and in view of the fact that the matter has been amicable settled between the parties and the petitioner has returned the amount back to the complainants as per the affidavit dated 3.3.2022 filed by the complainants/husband and wife, namely, Alok Jain and Nitika Jain and in view of the judgment passed in ***Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, this petition is allowed and the FIR No.79 dated 7.3.2018 under Sections 406, 420, 120-B IPC, registered at Police Station Zirakpur, District SAS Nagar, Mohali is quashed and the order dated 6.7.2018 passed by the trial Court, is set aside.

(ARVIND SINGH SANGWAN)
JUDGE

April 02, 2022
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Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO