

CRM-M-25409-2019

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

CRM-M-25409-2019 (O& M)

Date of decision: 29.08.2022

Manmohini Kakar and others

...Petitioner

Versus

Union Territory Chandigarh and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Pankaj Chandgotia, Advocate,
for the petitioner.

Ms. Simsi Dhir Malhotra, APP, U.T. Chandigarh.

Ms. Pushp Gupta, Advocate for
Ms. Anju Arora, Advocate,
for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed for quashing of FIR No.31 dated 14.03.2018, registered at Police Station North Chandigarh, under sections 420, 454 and 120-B IPC, and all the subsequent proceedings arising therefrom, on the basis of compromise dated 08.12.2018 (Annexure P-2), arrived at between the parties.

Vide order dated 30.05.2019 passed by a Coordinate Bench, the trial Court/Illaq Magistrate had been directed to record the statements of the parties with regard to the genuineness and authenticity of the compromise.

In compliance thereof, the learned Chief Judicial Magistrate, Chandigarh, has submitted a report, vide letter dated 24.07.2019.

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However during pendency of the present petition, Savita Arora-wife of respondent No.2 moved CRM-8873-2020 for issuance of direction to the petitioners to refund an amount of Rs.3,27,750/-, being TDS deposited with the Income Tax Authorities, on behalf of respondent No.2-complainant against the PAN Number of petitioner No.1.

I have heard the learned counsel for the parties.

It is specifically mentioned in CRM-8873-2020 that respondent No.2 has complied with all his obligations, but the petitioners have not refunded the amount of Rs.3,27,750/-, being TDS deposited with the income tax authorities on behalf of respondent No.2-complainant.

It appears that the dispute still survives between the parties and the compromise allegedly effected between the parties is not genuine one.

In view of the above, no case for quashing of the impugned FIR, on the basis of compromise, is made out.

Dismissed.

29.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No