

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40940 of 2021

Date of Decision:-25.07.2022

Sudarshan Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present:- Mr. Harsh Chopra, Advocate
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Raja Bahadur Singh Jain, Advocate, and,
Mr. Manmeet Singh Teji, Advocate
for the complainant-victim.

SURESHWAR THAKUR J.(Oral)

1. Through the instant petition filed under Section 438 Cr.P.C., the petitioners claim relief, qua theirs being admitted to anticipatory bail, in respect of FIR No.23 dated 05.06.2021, registered at Police Station NRI, District Ludhiana, constituting therein offences under Sections 380, 406, 427, 447, 506 and Section 511 IPC.

2. The present bail petitioners were residing as tenants in a portion of the house of the complainant in the period 2006 to 2018. Since there were cordial relations *inter se* the present bail petitioners, and, the complainant, the owner of the property, therefore, the bail petitioners started residing in the property of complainant as caretaker of the property, from

the month of January 2020, it was then the complainant left to a foreign

country. Moreover, the complainant had also permitted the bail petitioners to reside in a portion of the property comprising one room, drawing room, kitchen and bathroom. However the remaining portion comprising of the lobby, store, two rooms, kitchen and bathroom alongwith the portion, on the first floor, had been under the lock and key of the complainant, where, valuable articles, crockery, furniture and other belongings of the complainant, and, his family were kept. However, the owner of the property alleges that the intention of the present bail petitioners became malafide, and, dishonest, and he started projecting ownership claims, with respect to the entire property, and also, had unlawfully broken the locks of even those portions of the house, which became locked at the relevant time, by the complainant, and further that they had unlawfully removed the valuable articles, crockery, clothes and furniture as were kept there, by the complainant. Moreover, it is also alleged against the present bail petitioners, that they damaged the property, and, obviously had made criminal trespass into that portion of the property of the complainant, which had been locked by him.

3. Be that as it may, this Court on a conjoint request of learned counsel for the present bail petitioners, and, the complainant, had ordered that the lis, be referred to the Mediation Center of this Court, for both, their making an effort for amicable resolving their dispute.

4. In pursuance to reference being made to the Mediation Center of this Court, the petitioners, as also the complainant, through his validly constituted Special Power of Attorney, made their respective appearances before one Mr. Gaurav Pathak, Advocate, and, the latter has made a report to this Court qua the concerned, drawing a settlement amongst them, hence

containing therein, the signatures of all concerned, the relevant portion whereof existing at paragraph 4, is extracted hereinafter :-

“4. The following settlement has been arrived at between the parties hereto :

a) Both the parties mutually agree that the possession of house H.No.1625,03, New Prem Nagar, Civil Line, Ludhiana (Punjab) which is the dispute amongst them, which is the subject matter of FIR No.0023 dated 05.06.2021 under Section 380, 406, 427, 447, 506 and 511 of IPC registered at P.S. NRI, District Police Commissionerate, Ludhiana against the first party and his son Robin Oberoi has been amicably settled for the following condition :

i) That the first party undertakes to hand over vacant physical possession of the house in question i.e. H.No.1625,03, New Prem Nagar, Civil Line, Ludhiana (Punjab) to the second party on or before dated 31.05.2022 to Mr. Harjit Singh Rattey i.e. that second party.

ii) That the first party shall pay clear all the dues (electricity and water bills) till the date of handing over the vacant possession. Further the first party shall not sublet/lease out or create any third party rights in the above house i.e. H.No.1625,03, New Prem Nagar, Civil Line, Ludhiana (Punjab) and the second party shall conduct videography on 31.05.2022, while taking the possession.

iii) That the first party will file quashing petition in the Hon'ble High Court in the last week of May, 2022 for getting the above mentioned FIR quashed under this

amicable settlement. The second party undertakes to support the first party in getting the FIR quashed by making statement as and when required by the Court. Further both the parties undertake to withdraw any complaint or civil suit including Civil Suit No.CS/2529/2020 titled as 'Sudarshan Singh versus Gurmeet Singh' pending in the District Court, Ludhiana filed against each other before any Court of law or police authorities by submitting the copy of this agreement.”

5. The counsels appearing for the contesting litigants, both made a submission before this Court, that though, the terms of the settlement, as carried in the above extracted portion, become meted compliance, but the learned counsel for the complainant, argues that the locked portion of the premises has been damaged, and, also the articles, and, other valuables kept therein have been stolen.

6. However, the above prayer has been made, only today before this Court, and, become never addressed before the learned Mediator concerned, nor any settlement in respect thereof has been drawn, whereas, it required its being projected before the Mediator concerned, and, also required a settlement becoming drawn in respect thereof, rather before the Mediator as only thereupon above contention would become acceptable by this Court. However, the above did not become addressed before the learned Mediator, nor also the claims qua the makings of monetary recompenses, in respect thereof, as may become evident, from the factum of keys and locks, other than the one initially installed on the door(s) concerned, rather by the victim, being installed thereon, rather became

addressed, nor became embodied in the settlement drawn amongst the concerned. Conspicuously even today evidence qua above, comprised in (supra), is not available nor in respect thereof any argument became raised.

7. In the face of the above, the above raised contention, by learned counsel for the complainant, does not survive, and, is dismissed.

8. In view of the settlement drawn amongst all concerned, and, also it being acted upon, therefore, the present bail petitioners are admitted to pre-arrest bail, and, consequently the order made by this Court, on 11.5.2022 is made absolute on the same terms and conditions.

Disposed of.

July 25, 2022
Vijay Asija

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No