

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11745-2015 (O&M)

Date of decision :27.04.2023

SHYAMA AGGARWAL AND ORS.

... Petitioner(s)

Versus

STATE OF HARYANA AND ANR.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vishal Garg Narwana, Advocate
for the petitioner(s).

Mr. Neeraj Poswal, Asst. A.G., Haryana.

Mr. D.K. Tuteja, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 482 Cr.P.C.
is for quashing of the FIR No.32 dated 03.02.2015 registered under
Sections 420, 406, 120-B, 506 and 34 IPC at Police Station Urban
Estate, Rohtak.

During the pendency of the proceedings, a compromise was
arrived at between the parties and on 04.03.2022, the following order
was passed:-

*“Learned senior counsel for the petitioners
submits that the petitioners are ready to refund the
amount received by them along with 6% interest to
all 32 victims, who have recorded their statements
under Section 161 Cr.P.C., including complainant
Ashok Kumar, from the date of receipt of the payment.*

*Learned senior counsel has brought to notice
of this Court that an appeal is pending before the
Public Utility Tribunal, which is an offshoot of the*

present dispute and in case the amount is deposited, the victims will withdraw the said appeal.

Learned counsel for respondent No.2, on instructions from all the victims, has submitted that they are ready to accept the amount along with 6% interest from the date of making of payment.

In case the petitioners deposit the agreed amount with the Illaqa Magistrate/trial Court on or before 10.05.2022, the trial Court will release the amount in favour of the victims, subject to filing their affidavits that they have no objection, if the FIR is quashed with regard to criminal liability/dispute between the petitioners and all the victims including complainant Ashok Kumar and they will also withdraw all the civil litigations filed by them against the petitioners.

For awaiting report of the trial Court, list again on 24.05.2022.”

Thereafter, on 24.05.2022, the following order was passed:-

“During the course of arguments, learned senior counsel for the petitioners submit that he has the instructions to say that the petitioners are ready to pay back the amount of 28 persons, providing that they will produce the receipt.

However, counsel for respondent No.2 submits that in all 09 more persons have recorded their statements under Section 161 Cr.P.C.

List again on 16.09.2022.

In the meantime, the petitioners are directed to hand over the demand drafts of the admitted amount, as per the receipts, to all the 28 persons, before the trial Court.”

Subsequently, on 16.09.2022, the following order was passed:-

“The prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.32 dated 03.02.2015 registered under Sections 420, 120-B, 506 and 34 IPC at Police Station Urban Estate, Rohtak lodged by respondent No.2 and others against the petitioners.

The learned Senior counsel for the petitioners contends that there are 04 persons who have been paid the amount twice whose claim they are willing to satisfy namely, Satyawrat Arya, Veena Kinra, Anita Dahiya and Kulwant Singh. There are three persons namely, Vivek son of Samey Ram Kaushik, Ram Parkash and Surjeet Singh Parmar who have died. Qua them they are willing to deposit the amount before the Court below to be paid to their LRs against their affidavits to the effect that except them, there is no other legal heirs of the deceased. There are 03 other persons namely, Veena Madan, Sakshi Bhatia and Rakesh Sharma qua whose claim, the petitioners are ready and willing to make the necessary payments. He has further agreed to pay, besides the above 10 persons, payments to remaining 07 persons whose drafts are already with the petitioners namely, Himanshu, Vipul Kumar, Kulwant Singh, Satyawrat Arya, Veena Kinra, Anita Dahiya and Kharati Lal. He further clarifies that in this way total 17 drafts are to be paid by the petitioners consisting of principal and interest.

The learned counsel for respondent No.2-complainant makes a categoric statement that once this claim of 17 persons is satisfied, he will have no objection to the quashing of the present FIR.

Let the amounts to be paid as per this order be deposited in the Trial Court within two weeks and then it be disbursed to the victims.

Meanwhile after the amounts have been paid as per this order, the Trial Court shall send a comprehensive report detailing the amounts paid to the various aggrieved persons as also references to the affidavits filed by each of them that they shall have no objection, if the present FIR is quashed. This is in terms of the order of this Court dated 04.03.2022.

Adjourned to 11.10.2022.

Interim order to continue.”

The report of the Judicial Magistrate, 1st Class, Rohtak has been received. As per which all the persons aggrieved have effected a compromise with the petitioners.

In view of the aforesaid report of the learned Judicial Magistrate, 1st Class, Rohtak accompanied by statements of both the parties, the FIR No.32 dated 03.02.2015 registered under Sections 420, 406, 120-B, 506 and 34 IPC at Police Station Urban Estate, Rohtak along with all consequential proceedings arising therefrom are hereby quashed

Since the FIR in question stands quashed, the passport of the petitioners be handed over to them forthwith.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

27.04.2023
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No