

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

CRM-M-22033-2017 (O&M)
Date of Decision:- 13.02.2023

Bhupesh Tangri and others ... Petitioners

Versus

Purshotam Bansal ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kumar Passi, Advocate, for the petitioners.

Mr. Shilesh Gupta, Advocate, for the respondent.

GURVINDER SINGH GILL, J.

1. The petitioners namely Bhupesh Tangri, Dinesh Verma, M/s Sattyam Computers and Kaur Chand Verma, seeks quashing of Criminal Complaint case No. COMI.266-2016 of 07.11.2016 filed by the respondent and also order dated 20.5.2017 passed by learned Judicial Magistrate 1st Class, Bathinda, vide which the lower Court had issued summons so as to proceed against the petitioners for offences under Sections 420, 342, 384, 347, 352, 500, 506, 34, 120-B IPC.
2. A few facts necessary to notice for disposal of this petition are that respondent/complainant Purshotam Bansal instituted a complaint dated 7.11.2016 (Annexure P-1), alleging therein that his son Mohit Bansal was previously working as Senior Sales Associate in M/s Ingram Micro India Pvt. Ltd., Ludhiana Branch. It is alleged that

petitioner/accused Bhupesh Tangri and Dinesh Verma are real brothers and are partners in M/s Sattyam Computers and are sons of petitioner No.4/accused No.4 Kaur Chand Verma. Another accused namely Jasdeep Sachdeva is alleged to be brother-in-law of petitioner Dinesh Verma. It is alleged that M/s Ingram Micro India Pvt. Ltd. used to supply computers, hardware etc. to various firms including the firm M/s Sattyam Computers and accordingly payments used to be made by way of account payee cheques in favour of M/s Ingram Micro India Pvt. Ltd.. It is alleged that on 09.7.2013, Mohit Bansal was called by Bhupesh Tangri (complainant) for settlement of accounts, but when Mohit Bansal reached shop of the accused, the accused along with some unidentified persons threatened Mohit Bansal and administered some intoxicating substance to him and obtained his signatures on various documents and kept him confined till night. Mohit Bansal moved an application to Senior Superintendent of Police, Bathinda against the accused for taking the necessary action. However, as a counter blast, Bhupesh Tangri moved a false application against Mohit Bansal on 20.7.2013 which was marked to Superintendent of Police (D), Bathinda for inquiry. However, Mohit Bansal was forced into a compromise and as per the said compromise, Mohit Bansal paid an amount of Rs.15.92 lakhs in cash to the accused No.1-Bhupesh Tangri in installments. A plot measuring 500 Sq. Yards worth Rs.18 lakhs and a flat worth Rs.12 lakhs were transferred to M/s Sattyam Computers. Though, the complainant and his son had not willingly entered into the compromise, but in order to save his reputation and due to fear they

complied with the terms of the compromise, in which it was specifically mentioned that no party will file any case against each other in future. Complainant-Purshotam Bansal alleged that despite the aforesaid recital in the compromise deed, the accused instituted a false complaint i.e. Criminal Complaint No.72, dated 08.12.2014, against Purshotam Bansal and others wherein allegations have been levelled that as a matter of fact they had been coerced into compromise and that more amount was due to be paid to them.

3. The complainant led preliminary evidence and on the basis of which learned Judicial Magistrate 1st Class, Bathinda, ordered for summoning accused No.1 to 4 i.e. the petitioners in the instant petition so as to face trial for offences under Sections 420, 342, 384, 347, 352, 500, 506, 34, 120-B IPC.
4. Learned counsel for the petitioners submits that while the petitioners were involved on the basis of false allegations to the effect that the petitioners had forced a compromise upon the complainant but as a matter of fact, the complainant and his sons pursuant to the compromise, had been making payments by way of several installments spreaded over one year upto October 2014, and had never chosen to make any complaint regarding the alleged coercion and which would clearly bely the allegations levelled in the complaint.
5. Learned counsel has further submitted that since the complaint lodged at the instance of the petitioner Bhupesh Tangri i.e. Criminal Complaint No.72, dated 08.12.2014 against the complainant and

others already stands quashed vide order of even date passed in CRM-M-30134-2017, CRM-M-30387-2017, CRM-M-30404-2017, CRM-M-33645-2017 and CRM-M-26963-2016, no complaint survives, as on date against the complainant and that since in terms of the compromise no case would be filed against any of the party, the instant petition deserves to be accepted and the complaint filed against the petitioners by the complainant as well as the summoning order dated 20.5.2017 deserves to be quashed.

6. Opposing the petition, learned counsel appearing on behalf of the respondent/complainant has submitted that since it is apparent that the petitioners despite having compromised the matter, as per their own terms and having received huge amount as well as properties from the complainant pursuant to the said compromise, had still chosen to file a false complaint against the petitioners, they deserves to be taken to task.
7. This Court has considered the rival submissions.
8. This Court finds that the matter basically seems to have arisen out of some kind of business transactions amongst the parties and wherein on account of some dispute regarding settlement of accounts, both the parties lodged complaints against each other. The matter however, had been got settled and in pursuance to the said settlement the complainant in the present case paid an amount of Rs.15.92 lakhs by way of several installments spreaded over about one year and also transferred two sets of properties to firm M/s Ingram Micro India Ltd.. No complaint whatsoever was filed during the period of one

year by the complainant and it came to be filed only as a counterblast to the complaint filed by the other party i.e. the petitioners. In any case, the complaint filed by the petitioners against complainant- Purshotam Bansal and others, already stands quashed vide separate order of even date passed in CRM-M-30134-2017 and other connected cases. Admittedly, it had been agreed amongst the parties that the parties will not file any case against each other in respect of the transaction in question. It will be against the spirit of compromise if parties still litigate amongst themselves.

9. In these circumstances, the instant petition merits acceptance and is hereby accepted and Criminal Complaint case No. COMI.266-2016 of 07.11.2016 and order dated 20.5.2017 passed by learned Judicial Magistrate 1st Class, Bathinda are hereby quashed.

13.02.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No