

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

208

CRM-M-2658-2017 (O&M)

Date of Decision: 17.04.2023

Sushma Sachdeva & Others

...Petitioners

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sameer Sachdeva, Advocate for the petitioners

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Jarnail Singh)

Mr. Harpreet Kaur, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

1. On 15.05.2018, the following order was passed:-

“This is a petition filed for quashing of the FIR No.5 dated 6.1.2016 under Section 406 and 498A of the IPC registered at Police Station Zirakpur, District Mohali.

In brief, the facts of the case are that the complainant-respondent No.2 is the daughter-in-law of petitioner No.1- Sushma Sachdeva, Prerna Sikka is the sister-in-law of respondent No.2 and Bhuwan, petitioner No.3 is brother-in-law of respondent No.2. The marriage between respondent No.2 and the son of petitioner No.1- Prateek Sachdeva was solemnized on 14th of February 2009. The parties were residing separately since 2009 itself, on account of harassment faced by respondent No.2 at the hand of her in-laws. Unfortunately the son of the petitioner No.1-Prateek, i.e. the husband of respondent No.2 met with a car accident and died on 09.03.2015. After the death of the husband of respondent

No.2, the matrimonial dispute arose between the in-laws and respondent No.2 which led to the registration of the FIR. Thereafter the petitioners herein filed a petition under Section 482 Cr.P.C. for quashing of the FIR by alleging that the same is an abuse of process of law.

During the pendency of the petition in this Court, the matter was referred to the Mediation and Conciliation Centre which has been successful and a compromise deed has been reduced into writing. The compromise deed dated 30th of May 2017 is on the record. The matter was taken up by this Court on the 22.03.2018 wherein it was noted that as per the settlement, all the FDRs maintained in Punjab National Bank, Sector 9, Chandigarh in the name of Symbolic Services Pvt. Ltd., a company which was run by late Prateek Sachdeva, husband of the complainant and son of petitioner No.1- Sushma Sachdeva were to be encashed by Sushma Sachdeva and the entire amount would be handed over to the complainant-respondent No.2 along with the interest that had accrued thereon.

It was also agreed that FDRs and funds available in the company's accounts which were maintained with Axis Bank, Sector 9, Chandigarh were also to be handed over to the complainant-respondent No.2- Ipneet Sachdeva. Thereafter both the banks namely Punjab National Bank, Sector 9, Chandigarh and Axis Bank, Sector 9, Chandigarh were impleaded as party respondents No.3 and 4 in this petition.

Mr. Rahul Mehra, Business Development Executive put an appearance on behalf of the Axis Bank submitted that the amount lying with the said bank in the account of Symbolic Services Pvt. Ltd. would be handed

over to respondent No.2. An appearance was caused on behalf of Punjab National Bank and time was sought to obtain necessary instructions in this regard.

This Court has been informed that Axis Bank has already handed over the amount lying in their bank to Ipneet Sachdeva, respondent No.2.

The Counsel appearing on behalf of Punjab National Bank on the other hand has furnished a short reply stating that in case there is a valid board resolution passed by the Directors of the Symbolic Service Pvt. Ltd. authorizing any person or Director to operate the bank account of the company it shall have no objection to allow the transaction in the said account on behalf of the company. The reply is taken on the record.

The Criminal Misc. application bearing No. 18025 of 2018 has been filed in Court placing on record a short affidavit of Sushma Sachdeva, petitioner No.1 in view of the order dated 18.01.2018 wherein it is stated that she is the only surviving director of the said company and after the death of Prateek Sachdeva (director) she is the only authorized person who can operate the account of the company. It was also submitted that the petitioner-Sushma Sachdeva and Prateek Sachdeva were the only directors of the company. While submitting that in terms of the settlement deed dated 30th of May 2017, all funds available in the bank are to be handed over to the complainantrespondent No.2- Ipneet Sachdeva.

Mr. Sameer Sachdeva, learned counsel appearing on behalf of the petitioner No.1 herein submits that he would have no objection in case the bank transfers the said amount, while stating that it is not possible for any

board resolution to be passed at the present moment since the company is lying defunct.

I have heard the learned counsels for the parties. It is noted that there were only two Directors in the company styled as Symbolic Services Pvt. Ltd. namely petitioner No.1- Sushma Sachdeva and the deceased husband of respondent No.2.

In view of the settlement arrived at and in terms of the affidavit that has been filed by petitioner No.1 stating that she would have no objection in the amount being transferred in the name of Ipneet Sachdeva, let the amount in Punjab National Bank be transferred to respondent No.2.

In the opinion of the Court, a board resolution of the Directors of the company cannot be passed at the present moment, since the Company had only two directors and one of them is since deceased.

Let the needful be done within a period of a week.

The respondent No.2 along with the petitioner herein should furnish an indemnity bond to the effect that in case any liability arises against the company, she would be liable for the same. The funds to be released within a week's time after receipt of indemnity bond by respondent No.2.

Put up on 06.07.2018.”

2. Learned counsels for the parties are *ad idem* that matter has been amicably settled and respondent No.2 has already received payment in terms of the compromise.

3. Learned counsel for the respondent No2/complainant submits that respondent No.2/complainant has already received entire payment as settled between the parties and she has no objection if present petition is allowed and impugned FIR is quashed.
4. Learned State counsel, on instructions from ASI Jarnail Singh, submits that in view of settlement arrived at between the parties and their statements, State has no objection if present petition is allowed and impugned FIR is quashed.
5. In view of settlement arrived at between the parties and statements made by learned counsels for the parties before this Court, the present petition deserves to be allowed and accordingly allowed. FIR No.5 dated 06.01.2016 under Section 406 and 498A of the IPC registered at Police Station Zirakpur, District Mohali and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Pending applications also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

17.04.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>