

CRM-M-19472-2023 (O&M) AND
CRM-M-27833-2023 (O&M)

115 (2 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: August 09, 2023

1. CRM-M-19472-2023 (O&M)

Dr. Gurmail Singh
.....Petitioner
versus

State of Haryana and another
....Respondents

2. CRM-M-27833-2023 (O&M)

Dr. Gurmail Singh
.....Petitioner
versus

State of Haryana and another
....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Vineet Chaudhary, Advocate for petitioner.

Ms. Svaneel Jaswal, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

CRM-24248-2023 IN CRM-M-19472-2023

For the reasons stated in application, same is allowed. Copy of Civil Suit dated 02.01.2017 as well as order dated 28.03.2023 passed by Joint Registrar, Cooperative Societies as Annexures P-5 and P-6 are taken on record, subject to all just exceptions.

Main case (O&M)

Vide this common order, above-mentioned two revision petitions are being disposed of as facts and issues involved therein are analogous. For brevity, recitals are from CRM-M-19472-2023.

2. Petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of impugned judgment dated 06.01.2023 (Annexure P-4) passed by learned Additional Sessions Judge, Ambala vide which criminal revision filed by private respondent-Ajit Singh and Sudhir Bansal against order

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dated 13.04.2018 (Annexure P-2) passed by learned Chief Judicial Magistrate, Ambala, framing charges against respondent No.2-Ajit Singh and Sudhir Bansal (respondent No.2 in CRM-M-27833-2023) for commission of the offences under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (for short 'IPC'), was allowed.

3. Succinct factual background of the case is that petitioner/ complainant, a practicing doctor, along with his wife, namely Ravinder Kaur had deposited 11 FDRs of Rs.11,50,000/- having total maturity amount of Rs.28,94,750/- with respondent-Sudhir Bansal, being Ex-President of Navyug Cooperative Non Agri, Thrift & Credit Society Ltd., Ambala City. In the year 2008, allegedly, respondent No.2 hatched a criminal conspiracy and thus cheated petitioner/ complainant by withdrawing an amount of Rs.18,50,000/- from his bank account by making/ preparing forged entries. Petitioner filed a complaint before the Illaqa Magistrate, Ambala. Vide order dated 13.04.2018 (Annexure P-2), charges were framed against respondent No.2. Respondent No.2 filed a revision against aforesaid order dated 13.04.2018. Vide impugned order/ judgment dated 06.01.2023, the said revision was allowed and respondent No.2/ accused persons were discharged.

4. Learned counsel for the petitioner contends that on 08.08.2008, petitioner had earlier moved an application for attachment of property bearing No.1229, Sector-9, Ambala belonging to Sudhir Bansal. Vide order dated 18.08.2008, Additional Registrar, Co-operative Society (Store), Haryana attached the aforesaid property. Petitioner presented copy of said order before the Estate Officer and Tehsildar (Sales), but he refused to do so and informed that the said property had already been disposed of by Sudhir Bansal in favour of Ajit Singh, on 05.08.2008.

4.1. Learned counsel for the petitioner further submits that even a civil suit has also been filed by respondent-Sudhir Bansal against Ajit Singh and others *inter alia* seeking declaration to the effect that Sudhir Bansal is real owner of first floor of House No.1229, Sector-9, Urban Estate Ambala. He also contends that petitioner/ complainant had also filed a petition against respondent-Sudhir Bansal under Sections 102, 103 of the

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Society Ltd., Ambala City for passing an award to refund an amount to Rs.18,50,000/- along with interest @ 18% p.a. Vide order dated 28.03.2023 (Annexure P-6), Joint Registrar, Cooperative Societies, Haryana held Sudhir Bansal and Navyug Society liable for returning amount of FDRs deposited by petitioner with 10% interest.

5. I have heard rival contentions of learned counsels for the petitioner and have gone through the case file.
6. Narrative of facts as noted in preceding part of this order and perusal of the case file shows that *prima facie*, it is a money dispute and the matter between the parties is of a civil nature. Civil proceedings were already pending between Sudhir Bansal and Ajit Singh and others. Revision Court therefore, rightly accepted the revision petition and quashed the order passed by learned trial Court.
7. In the premise, no grounds for interference are made out.
8. Dismissed.
9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 09, 2023
mahavir

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