

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

271

CRM-M-53434-2018(O&M)

Date of decision: 10.08.2023

Pushpa Khokhar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr.Ranbir Singh Rawat, Advocate for the petitioner

Mr.Dhruv Sihag, AAG, Haryana

Mr.RS Budhwar, Advocate for respondent No.2

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 of the Code for quashing of case FIR No. 157, dated 15.10.2018, Annexure P-1, registered under Sections 406, 409, 420, 467, 468, 471 and 120-B IPC, at Police Station Radaur, District Yamuna Nagar and all subsequent proceedings arising therefrom.

2. Learned counsel submits that the FIR was lodged primarily by giving criminal texture to a civil dispute that had been raised by the complainant, which is a Co-operative Bank, alleging therein that the petitioner had applied for the loan which had been disbursed, but failed to repay the same. However, during the pendency of the present case, the entire amount stands paid to the complainant-Bank and nothing remains outstanding, thus, continuation of the proceedings against the petitioner

would be an abuse of the process of the Court, particularly when grievance of the bank stands redressed.

3. Learned counsel for the complainant-respondent No.2-Bank has produced a copy of an affidavit dated 02.08.2023, of the Branch Manager of the complainant Bank, affirming that no amount is outstanding and a no dues certificate to that effect had already been issued on 07.10.2022, which is enclosed therewith. The same is taken on record as Mark 'A'. Learned counsel on instructions, further submits that there is no objection if the proceedings are dropped against the petitioner.

4. However, learned State counsel, on the contrary submits that the petitioner had first obtained a loan from the Bank by mortgaging property of co-accused-Narinder Singh, thereafter in connivance with him and other co-accused sold the mortgaged property and did not repay a single penny of the amount to the Bank, as was specifically alleged in the FIR. Thus, prays for the present petition to be dismissed.

5. Heard learned counsel for the parties.

6. In the case in hand, the dispute was with regard to the non-payment of the loan amount by the petitioner raised against a property, which was further sold, however, the amount stood immediately paid upon the registration of the FIR. It is apposite to refer to the affidavit of the Branch Manager, the relevant para of which reads thus:

“That the petitioner has paid all the amount against and no the amount is outstanding petitioner and the respondent-bank had already issued No Due Certificate dated 07.10.2020 (Copy enclosed).”

7. The gears of the criminal justice system should not be manipulated to serve a tool of intimidation and harassment. The present

dispute primarily pertains to the failure on the part of the petitioner to repay the loan, which stands satisfied, as is apparent from the afore-mentioned affidavit and the no objection certificate, dated 07.10.2022, that is issued in her favour during the pendency of the present petition, which affirms the deposit of the entire loan amount alongwith interest and nothing remained due as per the record of the Branch. Considering the aforesaid and fortified from the judgment in **State of Karnataka vs. L. Muniswamy and others**, (1977) 2 SCC 699, wherein it was observed and held by Hon’ble The Supreme Court that, the ends of justice are higher than the ends of mere law and inherent power under Section 482 CrPC is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution, this Court ineluctably concludes that in the present case, the continuation of the proceedings against the petitioner would amount to an abuse of process of Court.

8. Accordingly, the present petition is allowed. FIR No. 157, dated 15.10.2018, registered under Sections 406, 409, 420, 467, 468, 471 and 120-B IPC, at Police Station Radaur, District Yamuna Nagar and all subsequent proceedings arising therefrom are quashed qua the petitioner.

(AMAN CHAUDHARY)
JUDGE

10.08.2023
Ankur

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