

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-41395 of 2022
Date of Decision: January 24, 2023

Baldev Chand Bansal and another

.....Petitioners

versus

State of U.T. Chandigarh and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. P.S. Ahluwalia, Advocate
for the petitioners

Mr. Akashdeep Singh, Addl. P.P. for U.T. Chandigarh

Ms. Jasleen Kaur, Advocate
for respondent No. 2

Sudhir Mittal, J. (Oral)

Learned counsel for respondent No. 2 admits that No Due Certificate on record as Annexure P-5 is a genuine document and that the dues of the Bank have been cleared.

Learned counsel for the petitioners submits that since all dues have been cleared, continuation of the FIR would only be a misuse and abuse of the process of the criminal Court. Thus, the FIR may be quashed. Reliance has been placed upon ***CBI, ACB, Mumbai vs. Narendra Lal Jain and others, 2014(2) RCR (Criminal) 15*** wherein the Hon'ble Supreme Court has held that where the entitlement of the bank has been paid and settled, power under Section 482 Cr.P.C can be exercised to quash the FIR.

Learned counsel for respondent No. 2 has not stated anything contrary to the submissions made by learned counsel for the petitioners.

Thus, the petition is allowed and FIR 79 dated 04.08.2022 registered at Police Station North, District Chandigarh under Sections 406, 420, 120-B IPC and all consequential proceedings are quashed.

(SUDHIR MITTAL)
JUDGE

January 24, 2023

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No