

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

CRM-M-47194-2019(O&M)

Date of Decision:-05.09.2023

Manpreet Kaur.

.....Petitioner.

Vs.

State of Haryana & Anr.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rajiv Sharma, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. Rohit Sud, Advocate &
Mr. Akhil Aggarwal, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 482 Cr.PC is for quashing of the FIR No.684 dated 05.09.2016 under Sections 408 IPC registered at P.S. DLF Sector 29, Gurugram, Haryana (Annexure P-1), Challan No.01 dated 05.02.2019 (Annexure P-2) presented under Section 408 IPC on 05.02.2019 and all the subsequent proceedings arising therefrom.

2. The brief allegations as set out in the report under Section 173 Cr.PC are that Tanya Pandey, Area Manager, Ms. Kritika Tripathi, Assistant Manager, Ms. Manpreet Kaur (petitioner-Customer Care Executive) and Ms. Vungzamavi Valte (Customer Care Executive) and other unknown persons/employees of Kaya Skin Clinic Shop No.99, Sector Floor, DLF, Galleria Market, Gurugaon-Haryana had in conspiracy with each other

siphoned of an amount of Rs.1.05 crores of the complainant company.

3. The Counsel for the petitioner contends that pursuant to the registration of the FIR, with the intervention of the respectables, a compromise dated 19.01.2019 had been entered into between Ms. Kritika Tripathy one of the co-accused and her sister Ms. Amrita Tiwari on the one hand with the complainant company as per which on account of a full and final settlement a sum of Rs.32 lacs had been paid to the respondent-company and the FIR stood quashed qua Ms. Kritika Tripathy vide order dated 5.3.2020 passed in CRM-M-5921-2019. Taking the allegations against the petitioner to be correct, she is stated to have siphoned of Rs.19,035/- only. As the matter stood compromised with the main accused for an amount of Rs.32 lacs and the FIR also stood quashed qua Ms. Kritika Tripathy, no useful purpose would be served by allowing the present proceedings to continue against the petitioner who was merely a customer care executive acting at the behest of the other co-accused.

4. The Counsel for the State has not disputed the factual position as enumerated by the counsel for the petitioner. He however submits that the nature of the allegations did not entitle the petitioner to the relief as prayed for.

5. The Counsel for the Complainant on the other hand admits the fact that a compromise had been arrived at between the respondent/complainant company with Ms. Kritika Tirpathy and Ms. Amrita Tiwari for a sum of Rs.32 lacs by way of a full and final settlement and the amount due towards the petitioner was only Rs.19,035/-. He however submits that no such compromise had been arrived at with the petitioner and, therefore, the petitioner was not entitled to the relief as sought.

6. I have heard the learned counsel for the parties and examined

the record.

7. As per the allegations levelled against the petitioner and her co-accused a sum of Rs.1.05 Crores had been siphoned of by the accused in connivance with each other. Admittedly, Ms. Kritika Tripathy was the Assistant Manager and the petitioner was merely a Customer Care Executive. Even as per the allegations specifically levelled against the petitioner, a sum of Rs.19,035/- had not been accounted for so far as the petitioner was concerned. She was working as a Customer Care Executive under Ms. Kritika Tripathy who was an Assistant Manager with whom a settlement has been arrived at for a sum of Rs.32 lacs which stands paid. In this situation, the continuance of the proceedings emanating out of the aforesaid FIR are nothing but an abuse of the process of the court so far as the petitioner is concerned, as the defalcated amount stands deposited by the accused to whom the petitioner was a subordinate.

8. In view of the above, I find considerable force in the arguments of the petitioner and therefore, the FIR No.684 dated 05.09.2016 under Sections 408 IPC registered at P.S. DLF Sector 29, Gurugram, Haryana (Annexure P-1), the Challan No.01 dated 05.02.2019 (Annexure P-2) presented under Section 408 IPC on 05.02.2019 and all the subsequent proceedings arising therefrom stands quashed qua the petitioner.

(JASJIT SINGH BEDI)
JUDGE

September 05, 2023
Vinay

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