

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-49938-2019 (O&M)
Date of decision: 20.09.2023

Ajay Kumar Bansal ...Petitioner
Versus
State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Kunal Jindia, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

Mr. Narinder Singh, Advocate for respondent Nos.2 to 6.

HARNARESH SINGH GILL, J. (ORAL)

1. Challenge in the present petition is to the order dated 17.07.2019 (Annexure P-3) passed by learned Addl. Sessions Judge, Yamuna Nagar at Jagadhari, whereby an application filed by the petitioner under Section 452 Cr.P.C., for issuance of directions to the Branch Manager, Andhra Bank, Yamuna Nagar, to transfer the amount lying in the accounts seized during investigation of FIR No.190 dated 12.05.2012, registered at Police Station City, Yamuna Nagar, to the account of the petitioner, has been dismissed.
2. Learned Senior Counsel for the petitioner contends that the above-noted FIR was registered on 12.05.2012; that the petitioner transferred the amount of Rs.4 crore from the account of his company, namely, M/s HSB Estate Pvt. Ltd., bearing account No.011084100000103 of Yes Bank, on 04.05.2012, to the account of respondent No.2-Sonu Bansal through RTGS under the threat of fear; that during investigation, it was found that Sonu Bansal had transferred the amount to his account and the account of his

relatives and that the petitioner was found innocent. It is further submitted that at one stage, accused-Sonu Bansal was declared a proclaimed offender, but he was arrested later on. It is further submitted that during the pendency of the bail petition of accused-Sonu Bansal, appeals preferred by some of the co-accused and the present petitioner as well, a compromise was effected between the parties on 18.05.2022. It is further submitted that as per para 5 of the compromise, respondent No. 2-Sonu Bansal is to pay back the amount, which he had got transferred in different bank accounts of his relatives, to the petitioner. It is further submitted that the amount is now lying in the accounts of respondents No.2 to 6 with Andhra Bank, Yamuna Nagar.

3. Learned Senior Counsel for the petitioner further contends that vide impugned order dated 17.07.2019 (Annexure P-3), the application moved by the petitioner was dismissed on a technical ground that instead of filing it under Section 451 Cr.P.C., the same was filed under Section 452 Cr.P.C. Learned Senior Counsel further contends that it is a settled principle of law that mentioning of a wrong provision or non-mentioning of a provision would not be a ground to invalidate the relief as sought for, if the Court and/or statutory authority had the requisite jurisdiction to entertain the lis.

4. In support of his contentions, learned Senior Counsel relies upon the judgment rendered by the Hon'ble Supreme Court in Civil Appeal No.4643 of 2009, titled as ' P.K.Palanisamy Vs. N. Arumugham and another', decided on 23.07.2009, 'Pradeep Ram Vs. State of Jharkhand and another' (2019) 17 Supreme Court Cases 326, and 'Pruthvirajsinh Nodhubha Jadeja (dead) by legal representatives Vs. Jayesh Kumar Chhakaddas Shah and others, (2019), 9 Supreme court Cases 533.

5. Learned Senior counsel still further contends that co-accused/respondent No.2-Sonu Bansal is on bail and is facing trial and that in a petition preferred for quashing of the FIR, the parties have been relegated to record their statements qua the compromise. As per Para 5 of the compromise dated 18.05.2022, the amount from accounts of respondent No.2 to 6 along with interest is to be transferred to the account of the petitioner i.e. Account No.50200024448589, IFSC Code: HDFC0000213, HDFC Bank Sector-17C Chandigarh.

6. Learned State counsel and learned counsel for respondent Nos.2 to 6, submit that they have no objection, if the amount from accounts of respondent No.2 to 6 along with the interest is transferred to the account of the petitioner. Learned counsel for respondent Nos.2 to 6 does not dispute the factum of compromise effected between the parties

7. I have heard the learned counsel for the parties and have also gone through the documents on record.

8. Since the matter has been compromised and in the petition for quashing of the FIR, the parties have already been relegated to record their statements qua the compromise, the petition is allowed and the Branch Manager, Andhra Bank, Yamuna Nagar, is directed to transfer the amount along with upto date interest lying in the following accounts of respondent Nos.2 to 6 seized during investigation of FIR No.190 dated 12.05.2012, registered at Police Station City, Yamuna Nagar, to the account of the petitioner i.e. Account No.50200024448589, IFSC Code: HDFC0000213, HDFC Bank Sector-17C Chandigarh, within 15 days from the receipt of certified copy of this order:

Sr.No.	Name of the Account Holder.	Account No.	Amount (Rs.)
1	Rajni Bansal	178110100018866	10,80,621/-
2	Meenu Bansal	178110100018875	43,00,620/-
3	Rajnish Bansal	178110100013162	2,93,346/-
		178110100015674	32,32,494/-
4	Pankaj Bansal	178110100014532	5,72,034/-
		178110100014665	10,79,728/-
5	Sonu Bansal	178110100015504	5,49,977/-
		178110100012048	6,63,250.39

20.09.2023

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No