

283 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1458-2024

Date of Decision : April 30, 2024

Rohit Sharma

.....Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sumeet Mahajan, Senior Advocate fwith
Mr. Shrey Sachdeva, Advocate
for the petitioner.

Mr. Baljinder Singh, DAG, Punjab.

Mr. Munish Jolly, Advocate
with Mr. Akhil Mahajan-Complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of the FIR No.215 dated 24.09.2022 under Sections 406/420 of the Indian Penal Code (Annexure P-1) registered at Police Station, Division No.8, Police Commissionerate Ludhiana in terms of compliance of the order dated 18.05.2023 passed by the Hon'ble Supreme Court in Criminal Appeal Nos.001605 - 001607 of 2023.

The learned Senior counsel for the petitioner contends that the dispute between the parties travelled to the Hon'ble Supreme Court wherein on

18.05.2023, the following order was passed :-

“Leave granted.

Heard the learned counsel appearing for the parties.

By order dated 06.02.2023, the High Court granted pre-arrest bail to the appellant on the terms and conditions incorporated therein. As the appellant was not a position to comply with the terms regarding the payment of money, an application for modification was made by the appellant before the High Court. By further order dated 27.02.2023, time was extended with regard to the payment of money.

The appellant had agreed to pay total amount of Rs.1,55,00,000/- (Rupees One Crore Fifty Five Lacs only) to the second respondent. On 17.05.2023, the appellant has handed over two demand drafts bearing Nos.000646 and 039262 in the sum of Rs.8 lakhs and Rs.2 lakhs respectively drawn on Axis Bank to the second respondent. In addition, a post dated cheque bearing no.077713 dated 24.05.2023 in the sum of Rs.5 lakhs has been handed over to the second respondent.

In addition, a post dated cheque bearing No.077713 dated 24.05.2023 in the sum of Rs.5 lakhs has been handed over to the second respondent.

Today, the appellant has tendered across the bar copies of the Affidavit of Undertaking and stated that he will file the original affidavit in the Registry of this Court during the course of the day.

Paragraphs 7 and 8 of the said Undertaking read

thus :

“7. I further undertake to pay the balance of sum of Rs.80,00,000/- (Rupees Eighty Lacs only) alongwith interest of Rs.5,00,000/- (Rupees Five Lacs only) i.e. Rs.85,00,000/- (Rupees Eighty Five Lacs only) to the respondent no.2 in the following manner:

- (i) by 15.06.2023 a sum of Rs.15,00,000/- (Rupees Fifteen Lacs only)*
- (ii) by 15.07.2023 a sum of Rs.15,00,000/- (Rupees Fifteen Lacs only)*
- (iii) by 15.08.2023 a sum of Rs.15,00,000/- (Rupees Fifteen Lacs only)*
- (iv) by 15.09.2023 a sum of Rs.15,00,000/- (Rupees Fifteen Lacs only)*
- (v) by 15.10.2023 a sum of Rs.15,00,000/- (Rupees Fifteen Lacs only)*
- (vi) and a sum of Rs.10,00,000/- (Rupees Ten Lacs only) by 15.11.2023.*

8. I undertake to make payments in the manner specified hereinabove.”

In the Undertaking, the appellant has stated that Contempt Petition bearing No.COCP 1102-2023 (O&M) [Rohit Sharma vs. Mandeep Singh Sidhu] pending before the High Court of Punjab and Haryana will not be prosecuted by him as against the second respondent.

The learned counsel appearing for the second respondent has no objection for grant of extension of time to pay the balance amount of Rs.80 lacs plus interest of Rs.5 lacs in terms of paragraph 7 of the Undertaking.

However, he submits that it may be clarified that on the failure of the appellant to abide by the Undertaking, pre-arrest bail granted to the appellant will stand cancelled.

The learned counsel appearing for the second respondent also accepts the fact that if the sum of Rs.85

lacs as agreed in terms of the Undertaking is paid to the second respondent, he will cooperate with the appellant in the proceedings which may filed by the appellant for quashing FIR No.251/2022, registered at Police Station Division No.8, Police Commissionerate Ludhiana.

The learned counsel appearing for the second respondent on instructions, states that the second respondent is not in possession of the Industrial Shed Number E-173, Phase-4, Focal Point, Ludhiana.

Accordingly, we modify the orders dated 06.02.2023 and 27.02.2023 and extend the time granted earlier to the appellant to pay the requisite amount in terms of paragraph 7 of the Undertaking of the appellant.

We make it clear that in the event of any default committed by the appellant in complying with paragraph 7 of the Affidavit of Undertaking dated 18.05.2023, the pre-arrest bail granted to the appellant shall stand cancelled.

The appeals are partly allowed in above terms.

The learned Senior Counsel appearing for the appellant accepts the suggestion of the learned counsel appearing for the second respondent that the payments in terms of the Undertaking should be made either by a demand draft or through RTGS.”

In deference to the aforementioned order, the petitioner has paid a sum of Rs.85,00,000/- to the complainant-respondent No.2 and, therefore, the FIR in question can be quashed.

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Respondent No.2-Akhil Mahajan is present in the Court along with his counsel and states that he has received the said amount and he has no objection if the FIR in question and all the consequential proceedings arising therefrom are quashed.

I have heard learned counsel for both the parties.

In view of the undertaking recorded by the parties in the order dated 18.05.2023 passed by the Hon'ble Apex Court a sum of Rs.85,000,000/- has been paid to the complainant-respondent No.2.

In view of the aforementioned facts, the FIR No.215 dated 24.09.2022 under Sections 406/420 of the Indian Penal Code (Annexure P-1) registered at Police Station, Division No.8, Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom are hereby quashed.

The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 30, 2024
satish

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO