

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-45838-2022

Date of Decision:09.05.2024

SUDESH YADAV

.....Petitioner

Vs.

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Neeraj Sansaniwal, Advocate and
Mr. Raman Sihag, Advocate
for the petitioner.

Mr. Randhir Singh, Additional AG, Haryana.

DEEPAK GUPTA, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.331 dated 27.08.2020, under Section 420 IPC, registered at Police Station Sector-14, Gurugram and final report under Section 173 Cr.P.C. dated 21.01.2021 and all subsequent proceedings arising therefrom.

On 30.09.2022, following order was passed by this Court:-

Learned counsel for the petitioner contends that the petitioner borrowed a gold loan of Rs.10,88,300/- from the respondent No.2-Muthoot Finance Limited. He further submits that the petitioner diligently paid all the installments of the loan on time, however, in August, 2020, the petitioner decided to repay the entire amount of loan in one-time payment. Thereafter, an agreement was reached between the petitioner and respondent No.2, wherein Rs.9,74,004.72/- was paid to respondent No.2, as a one-time payment in lieu of full and final settlement of the loan amount, as such, no offence is made out against the petitioner.

Notice of motion for 01.02.2023.

Meanwhile, proceedings before the trial Court shall remain stayed.”

Learned counsel for the petitioner has drawn attention towards

the no dues certificate issued by Muthoot Finance Limited i.e. complainant-Bank (Annexure P-3), as per which they have received their entire amount and nothing remains pending in this account against the petitioner.

The aforesaid fact finds confirmation from the status report as filed by the respondent-State. Para No.4 of the reply of the respondent-State is relevant which reads as under:-

“4. That the petitioner Sudesh Yadav was joined in the investigation on 30.09.2020 in pursuance of the anticipatory bail granted to her by the Ld. ASJ, Gurugram vide order dated 25.09.2020. Her disclosure statement was recorded wherein she stated that she has deposited the amount of Rs. 9,74,000/- in Sector-14, Gurugram branch of Muthoot Finance Ltd. The complainant was joined in the investigation and he also stated that he has received the full amount. The receipt vouchers were taken into police possession.”

In view of the aforesaid facts and circumstances, when the entire dues of the complainant-Bank have been paid, continuation of proceedings of the present FIR shall be a gross misuse of process of the Court and wastage of time. Consequently, FIR No.331 dated 27.08.2020, under Section 420 IPC, registered at Police Station Sector-14, Gurugram and final report under Section 173 Cr.P.C. dated 21.01.2021 and all subsequent proceedings arising therefrom are quashed qua the petitioner.

09.05.2024
pry

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No