

AT CHANDIGARH

Date of decision: 21.03.2024

...PETITIONER

...RESPONDENTS

KULDEEP TIWARI, J. (ORAL)

- ii) That the first party shall pay the balance amount of Rs. 13,00,000/- (Rupees Thirteen Lacs Only) in the following

manner Rs.3,00,000/- (Rupees Three Lacs Only) on or before 20.03.2024, Rs.2,00,000/- (Rupees Two Lacs Only) on or before 20.05.2024, Rs.4,00,000/- (Rupees Four Lacs Only) on or before 20.07.2024 and Rs.4,00,000/- (Rupees Four Lacs Only) on or before 20.09.2024 by way of demand draft to the second party- Sukhwinder Singh.

iii) That the second party will have over the files of vehicle finance to the first party, whereby the first party shall recover the loan amount from the said clients namely, Sultan Khan son of Salamudin Rio Village Rampur Chhana, Iarmel Singh son of Ajaib Singh R/o village Kheri Jattan, Jatinder Pal son of Bhupinder Singh R/o village Kheri Jattan, Akshay son of Sanjay R/o village Kheri Jattan, Wadhawa Ram son of Moti Ram Rio village Amargarh, Gurmeet Singh son of Chaman Lal R/o village Amargarh, Gurmeet Kumar son of Jiwan Kumar R/o village Alipur, Harbans Singh son of Nirmal Singh R/o village Dhadogal and Beant Singh son of Gurmail Singh R/o village Chundhan.

iv) That the FIR No.154 dated 15.11.2023, under Sections. 420,465,468,469 and 471 of Indian Penal Code, registered at P.S. Amargarh (Malerkotla) may be quashed on the completion of the terms of this settlement/agreement.”

3. Learned counsel for the petitioner submits that Rs.10,00,000/- has already deposited with the Investigating Office, which is lying pending in a sealed cover with the officer concerned, and he has no objection in case the said Rs.10,00,000/-, is given/handed over to the complainant/respondent. He further submits that the PDC of Rs.3,00,000/- bearing No. 000865, from his personal account of petitioner has been issued in favour of the complainant/respondent which he assures this Court the same would be honoured on the due date as mentioned on the cheque. As per the compromise the remaining amount of Rs.10,00,000/- has to be made by the petitioner till 20.09.2024, and he will deposit the remaining amount i.e. Rs.10,00,000/- with the Investigation Officer concerned in the time prescribed as per compromise. Since, the matter has been settled between the parties, and the interim directions issued by this Court is hereby, made absolute.

4. Investigation Officer is directed to release the draft of Rs. 10,00,000/- which was deposited by the petitioner, to the complainant/respondent No.2 forthwith.

5. The next payment in three equal installments of Rs. 10,00,000/- to be paid before the Investigation Officer, and eventuality of the installment paid, the Investigation Officer shall release the amount in favour of the complainant/respondent accordingly.

6. Learned counsel for the complainant submits that in case petitioner complied the agreed terms and conditions of the settlement then they will have no objection even if FIR in question is quashed.

7. Learned State counsel on instructions imparted to him by SI Jaswinder Singh, submits that the petitioners have already joined the investigation, and they are fully co-operating with the investigation process, and they are not required for any further custodial investigation.

8. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 08.01.2024 is, hereby, made absolute, subject to the above terms and conditions. In case the petitioner is failed to abide by the terms and conditions of the settlement, the complainant/State is at liberty to get revive the instant petition.

(KULDEEP TIWARI)
JUDGE

21.03.2024
Anu

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |