

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

103

2024:PHHC:000000

CRM-M-65513-2023

Date of decision: 01.01.2024

SURENDER PANWER @ SURENDER SINGH PAWAR ..Petitioner

Versus

STATE OF HARYANA AND ANOTHER ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramesh Hooda, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

Mr. Lekh Raj Nandal, Advocate
for the complainant.

ANIL KSHETARPAL, J(Oral)

1. On 29.12.2023, the following order was passed:-

“The learned counsel representing the petitioner submits that the petitioner admits that he has to refund Rs.25,00,000/-, which was received pursuant to the agreement to sell. He submits that the petitioner will pay Rs.10,00,000/- on 06.01.2024, whereas, the remaining amount will be paid after a short period of time.

Keeping in view the aforesaid facts, the petitioner, if, so advised, may file an affidavit giving the schedule of proposed payment.

List on 01.01.2024.”

2. Sh. Lekh Raj Nandal, Advocate, has entered appearance on behalf of the first informant.

3. The petitioner has filed an affidavit undertaking to pay the amount of Rs.25,00,000/- in three separate installments. Rs.10,00,000/- shall be paid on or before 06.01.2024, whereas, the next installment of Rs.7,50,000/- shall be paid on or before 06.02.2024. The last installment of Rs.7,50,000/- shall be paid on 06.03.2024.

4. The learned counsel representing the complainant has no objection to the same, however, he submits that the petitioner previously

also promised to pay the amount, however, failed to honour the same.

5. The affidavit filed by the petitioner is taken on record.
6. The present petition is disposed of in terms of the aforesaid affidavit. It is clarified that if the petitioner commits default in payment of any of the installment, the protection granted under this order shall cease to exist.
7. If the payment as undertaken by the petitioner is paid to the complainant, FIR No.446, dated 11.12.2023, registered under Section 406, 420 IPC at Police Station Arya Nagar Rohtak, District Rohtak, shall be deemed to have been quashed without further reference to the Court. However, if there is a default in payment of the amount as undertaken, the case shall revive.
8. Till then, the petitioner shall not be arrested, if he continues to pay the amount as undertaken.
9. Disposed of accordingly.
10. All the pending miscellaneous applications, if any, are also disposed of.

January 01st, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

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