

Serial No. 02-03
Supplimentary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 11 of 2020 with
Crl. Petn. No. 12 of 2020

Date of Decision: 17.12.2020

Shri Rohit Kumar Bansal	Vs.	Smti Sushila Gupta
Shri Mahendra Bansal	Vs.	Smti Sushila Gupta

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. Philemon Nongbri, Adv.
For the Respondent(s)	:	Mr. M. Sharma, Adv.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

1. The Respondent herein have filed a Criminal Complaint case before the court of the Chief Judicial Magistrate at Shillong against the Petitioners herein which was duly registered as CR Case No. 130(S)2019.

2. It is the case of the Respondent before the Trial Court that she and her husband are family friends of the Petitioners herein and on being suggested by the Petitioners to invest in a flat being developed by Ansal Properties and Infrastructure Ltd. known as "Havana Heights". The Respondent/complainant have agreed to invest in the said project and have also agreed that the Petitioner No. 1 (Rohit Kumar Bansal) will process the matter on her behalf for which, an amount of ₹ 5 Lakhs was transferred to his account.

3. The Respondent was also informed that the Petitioner No. 1 had invested the aforesaid amount and had booked a flat in “Havana Heights” presumably in her name. However, on enquiry about the matter, the Petitioners failed to give a satisfactory answer as to the status of the investment made by the respondent/complainant.

4. Left with no option, the Respondent/complainant had accordingly filed the said complaint before the court of the said CJM under section 405/418/420/465 and 468 IPC.

5. In course of proceeding before the court of the learned CJM, Shillong, the Petitioners have preferred separate applications before this Court being CrI. Petn. No. 11 of 2020 and CrI. Petn. No. 12 of 2020 under section 482 Cr.PC with a similar prayer to quashed the said CR Case No. 130 (S)2019.

6. It may be mentioned that the application by the Petitioner No.1 (Rohit Kumar Bansal) was registered as CrI. Petn. No. 11 of 2020 and the application by the Petitioner No. 2 Shri Mahendra Bansal was registered as CrI. Petn. No. 12 of 2020. However, both applications being similar and identical, impugning the proceedings in the same CR Case No. 130 (S)2019, therefore, it is deemed expedient that both the petitions be taken together and a common order be passed to disposed of the same.

7. Learned counsel for the Petitioner Shri Philemon Nongbri has submitted that the Petitioner has filed additional affidavit to bring on record the latest development in this case to the extent that the Petitioner has prepared the Demand Draft No. 000603 dated 04.12.2020 in favour of the Respondent herein.

8. It is therefore prayed that the Respondent may be called upon to accept the said draft and in the light of the said development that this instant petition

may be disposed of by quashing the criminal proceeding before the Trial Court.

9. Also heard Mr. M. Sharma, learned counsel for the Respondent who has acknowledged receipt of the said Demand Draft and has submitted that he has no objection to the proceeding in the Trial Court to be quashed. However, it is also prayed that the Petitioners may be called upon to return the blank check and certain blank sheets of paper having only the signature of the Respondent which are in the custody of the Petitioners to be duly returned to her.

10. Without going to the merits of the case, on consent of the parties to this application, this Court deems it fit and proper to allow the prayer of the learned counsel for the Petitioner.

11. Accordingly, this petition is hereby disposed of in the light of the above observations, inasmuch as the Petitioners are allowed to hand over the said Demand Draft No. 000603 dated 04.12.2020 drawn at Bandhan Bank, Pitampura, New Delhi which has been handed over by the learned counsel for the Petitioners Mr. Philemon Nongbri and received and duly acknowledged by Mr. M. Sharma, learned counsel on behalf of the Respondent.

12. An affidavit bringing on record the acknowledgement of the Demand Draft as indicated above has been filed by the learned counsel for the Petitioners. The same is kept in the record of this Court.

13. As agreed and acknowledged by Mr. Philemon Nongbri, the said blank cheque and blank sheets of paper with only the signature of the Respondent therein will also be handed over to the Respondent or her representative, following which due acknowledgement will be filed before this Court for the records.

14. Consequently, proceedings in C.R Case No. 130(8)2019 pending before the learned Chief Judicial Magistrate, Shillong is hereby quashed.

15. Let copy of this order be issued to the learned Chief Judicial Magistrate, Shillong for due compliance.

16. Petitions disposed of. No cost.

Judge

Meghalaya

17.12.2020

"N. Swer, Stenographer"

