

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

**Crl. Misc. No. M-31552 of 2014
Date of decision: 15.10.2015**

Ved Parkash Joshi and others

.....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rakesh Kumar, Advocate
for the petitioners.

Mr. R.S. Randhawa, Addl. AG, Punjab.

Mr. Deepak Sabharwal , Advocate
for respondent no. 2.

ANITA CHAUDHRY, J.

The instant petition is for quashing of FIR No. 178 dated 12.06.2014 registered under Sections 420, 465, 467, 468, 471, 120-B IPC, Police Station Kapurthala City, District Kapurthala.

The petitioners had pleaded that petitioner nos.1 & 2 are NRIs and Senior Citizens while petitioner no.3 is the real uncle of the husband of the complainant who have been wrongly impleaded in the FIR. It was pleaded that the complainant along with her husband had cheated petitioners no.1 & 2 as a firm by the name of Sharma Silk Store was started by petitioner nos.1 & 2 and they had made investments. It was pleaded that the firm was floated in the year

1993. Subsequently, the complainant in connivance with her husband Vijay declared herself as sole owner of the firm in the accounts books and income-tax return. When the petitioners came to know of the fraud, they had got FIR No. 161 registered on 04.07.2005 at Police Station City Kapurthala. It was pleaded that petitioners no.1 & 2 were residing in U.K. but they had decided to make their investments in India and substantial amount was invested with a view to adjust Vijay Kumar, husband of the complainant and share of the parties were elaborated in the partnership deed Annexure P-4. It was pleaded that the business had flourished but no profit was given to the petitioners and in fact Tarsem Lal and Vijay Kumar forged the documents and subsequently filed a civil suit with an intention to declare themselves as sole owners but the suit was dismissed. It was pleaded that the complainant had sought the quashing of FIR Annexure P-3 which was registered after detailed inquiry and the signatures of the partnership deed were verified by an expert and were found to be genuine and therefore, FIR Annexure P3 was registered. It was pleaded that the complainant made all efforts to get that FIR quashed and when they had failed, the present FIR was got registered to harass and humiliate them and the facts given in the complaint were factually incorrect and the present FIR was a misuse of the process of law. It was pleaded that the complainant could not prove that the partition deed was fabricated document. It was pleaded that the FIR had been lodged after 21 years but there was no substance and should be quashed.

Respondent no.1 in the reply had submitted that an inquiry report was received and thereafter, the FIR was registered. It was pleaded that on the basis of an inquiry report, the FIR was registered against the petitioners but during investigation, petitioner no.1 Ved Parkash Joshi moved an application to the SSP, Kapurthala who marked the inquiry to DSP, Detective, Kapurthala who recommended cancellation of the FIR as the original partnership deed could not be proved and the cancellation report was submitted to the superior officer and the present petition was premature. It was pleaded that FIR No.161 dated 04.07.2005 was registered but the case was cancelled and cancellation report was submitted in the Court but the complainant did not agree with the cancellation report and it was returned to the police for reinvestigation. It was pleaded that the matter was re-investigated and again a cancellation report was prepared which was sent to the Illaqa Magistrate. It was pleaded that High Court had stayed the proceedings before the lower Court in CRM-M-51481-2007 in case titled as 'Kamlesh Sharma Vs. State of Punjab and others'. It was pleaded that six cases were pending between the parties in the High Court and respondent no.2 took the plea that the petition was premature as the investigation was going on and the petitioners at this stage cannot preempt the report. It was admitted that the firm of the husband of the complainant was doing profitable business and in order to adjust the complainant in some business Sharma Silk Store was started. It was denied that petitioner no.2 had made any investment or that she was the partner. It was pleaded that the petitioners had already compromised the matter on

13.02.2006 and the property worth crores of rupees was given to the petitioners and they had sold the property received by them and thereafter, backed out of the compromise. It was pleaded that the respondent no.2 had filed six petitions in the High Court seeking quashing of the FIR against them.

Respondent no.2 in his reply had admitted the relationship and denied that petitioner nos.1 & 2 were the partners in Sharma Silk Store. It was pleaded that partnership deed mentioned was a forged document and her signatures has been forged. It was pleaded that petitioner no.2 had filed a suit through petitioner no.1 stating the same facts which were dismissed by the Civil Judge vide judgment dated 19.02.2011. It was pleaded that the appeal preferred against the judgment was also dismissed. It was admitted that a petition for quashing the FIR No.161 dated 04.07.2005 was pending. It was pleaded that the petitioners had already compromised the matter on 13.02.2006 and properties worth crores of rupees were given to the petitioners and after getting the benefit, they were backing out of the compromise. It was pleaded that they had filed CRM No.51480 of 2007, CRM No.51481 of 2007, CRM No.51482 of 2007, CRM No.51483 of 2007 and CRM No.6559 of 2008.

When the matter came up for arguments, the counsel appearing for respondent no.2 very fairly conceded and stated that he had instructions to say that they had no objection if the present FIR was quashed. It was urged that the complainant wanted to settle the disputes which were pending and though this FIR was registered in 2014 but they have no objection since they want to bury the

hatchet and wanted that all disputes pending between the parties should be compromised. The counsel had pointed out that on the basis of the compromise arrived at on 13.02.2006, FIR No.221 of 27.02.2002, registered against the petitioners had been quashed in CRM-M-31213-2005.

The parties had earlier arrived at a settlement, later there were differences. There are some FIRs which were registered by the petitioners against the complainants and those petitioners are also before this Court. Vide separate orders, these FIRs have been quashed. The State had also submitted that cancellation report has been submitted in the Court regarding this FIR. In view of the concession given by respondent no.2 and keeping in view that the parties want to bury the hatchet, the present FIR and the subsequent proceedings are quashed.

15.10.2015

sunil

(ANITA CHAUDHRY)
JUDGE