

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

(1) CRM-M-21002 of 2012 (O&M).
Decided on:-24.09.2016.

Ankur Gupta and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

(2) CRM-M-21003 of 2012 (O&M).

Ankur Gupta and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

(3) CRM-M-17204 of 2014 (O&M).

Ankur Gupta and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Sanjeev Sharma, Senior Advocate with
Mr. Munish Gupta, Advocate and
Mr. Mritunjay Singh, Advocate
for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Ajaivir Singh, Advocate
for respondent No.3-complainant Amit Kumar in
CRM-M-17204 of 2014.

Mr. D.S. Sobti, Advocate
for the applicants in CRM-38125-2015 in
CRM-M-17204-2014.

Mr. H.S. Dhindsa, Advocate
for the applicants in CRM-29449-50-2016 in
CRM-M-17204 of 2014.

Mr. Ashish Grover, Advocate
for the applicants in CRM-30205-06-2016 in
CRM-M-17204 of 2014.

HARI PAL VERMA, J. (ORAL)

CRM-29449-50-2016 in CRM-M-17204-2014

Learned counsel for the applicants states that he be permitted to
withdraw both these applications.

Ordered accordingly.

CRM-30205-06-2016 in CRM-M-17204-2014

Learned counsel for the applicants seeks withdrawal of these
two applications.

Accordingly, both these applications are dismissed as
withdrawn.

CRM-M-21002-2012

This order shall dispose of the aforementioned three petitions as
the same are interlinked and interconnected with each other. However, for
convenience and clarity as well as to avoid repetition of facts, the detailed

order is being passed in petition bearing No.**CRM-M-21002 of 2012** titled as **Ankur Gupta and others Versus State of Punjab and others**.

Prayer in the petition bearing No.**CRM-M-21002 of 2012** titled as **Ankur Gupta and others Versus State of Punjab and others** filed under Section 482 Cr.PC is for quashing the FIR No.254 dated 13.10.2011 under Sections 406, 420/34, 120 IPC registered at Police Station Division No.5, Civil Lines, Ludhiana, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise effected between the parties by way of affidavit dated 8.6.2012 (Annexure P-3).

The petition bearing No.**CRM-M-21003 of 2012** titled as **Ankur Gupta and others Versus State of Punjab and others** has been filed under Section 482 Cr.PC seeking quashing of the FIR No.255 dated 13.10.2011 under Sections 406, 420/34, 120 IPC registered at Police Station Division No.5, Civil Lines, Ludhiana, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise effected between the parties by way of affidavit dated 8.6.2012 (Annexure P-3).

Similarly, the petition bearing No.**CRM-M-17204 of 2014** titled as **Ankur Gupta and others Versus State of Punjab and others** has been filed by the petitioners for quashing of the aforementioned FIR No.255 dated 13.10.2011 and all subsequent proceedings arising therefrom.

Learned senior counsel for the petitioners states that in all the three cases, the matter has been compromised between the parties and since the petition bearing No.**CRM-M-21003 of 2012** was initially filed on the

basis of compromise with the sole complainant, namely, Tejinder Singh Grewal, this Court vide order dated 22.8.2012 passed in that petition had directed the parties to appear before the Illaqa Magistrate on 22.9.2012 or any other date convenient to the said Court for recording the statements of the parties in support of compromise. He further states that pursuant to the aforesaid order, the parties had appeared before learned trial Court on 6.10.2012 and their statements were recorded.

The said statement of respondent No.2-complainant Tejinder Singh Grewal recorded by learned Magistrate on 6.10.2012 read as under:

“I lodged FIR No.255 dated 13.10.2011 u/s 506, 406, 420, 34/120B IPC, P.S. Div. No.5, Civil Lines Ludhiana against Ankur Gupt and ors. the said matter has been compromised and in view of compromise, I do not want to proceed further. I have no objection if the same be quashed. I have compromised the matter without any pressure.”

In para No.4 of the report dated 8.10.2012 received from Judicial Magistrate 1st Class, Ludhiana which is placed on the file of petition bearing No.**CRM-M-21003 of 2012** as Mark-A, learned Magistrate has mentioned that it appears that the compromise has been voluntarily entered into between the parties without any pressure or coercion and compromise is genuine.

Nobody has put in appearance on behalf of respondent No.2 Tejinder Singh Grewal in the Court today presumably on the ground that the matter has been compromised between the parties and their statements in

this regard were recorded before the trial Court on 6.10.2012.

Learned senior counsel for the petitioners states that while the case was under investigation in FIR No.255 dated 13.10.2011 and the matter was compromised with complainant Tejinder Singh Grewal, two other aggrieved persons, namely, Amit Kumar and Ajit Kumar Lakra had also lodged their claim with the police. Accordingly, the police after conducting investigation, submitted Challan against the petitioners on the basis of complaint lodged by Amit Kumar and Ajit Kumar Lakra.

Learned senior counsel for the petitioners further states that since the Challan was presented on the basis of complaint lodged by Amit Kumar and Ajit Kumar Lakra, a separate petition bearing No.**CRM-M-17204 of 2014** was filed by the petitioners for quashing of the FIR No.255 dated 13.10.2011 on merits.

This Court vide order dated 8.2.2016 passed in the petition bearing No.**CRM-M-17204 of 2014** had directed the parties to appear before the trial Court on the date already fixed for recording of their statements as regards the settlement arrived at between the parties. The trial Court was directed to forward the report after recording statements of the parties. Accordingly, the parties were appeared before the trial Court and their statements were recorded. The statement of complainant Anil Kumar recorded by learned Judicial Magistrate 1st Class, Ludhiana on 9.2.2016 reads as under:

“Stated that I have compromised the matter with the

accused and I am suffering the statement with my free will and without any coercion and pressure. I have received my entire settled amount and nothing is due against the M/s Omaxe Ltd or its Directors or its employees and documents in original have been handed over to the accused. I have no objection if the FIR is quashed against all the accused by the Hon'ble High Court.”

Similar statement was also made by another aggrieved person, namely, Ajit Kumar Lakra before learned Judicial Magistrate 1st Class, Ludhiana on 9.2.2016.

On the basis of the statements recorded by the parties, learned Judicial Magistrate 1st Class, Ludhiana had forwarded the report dated 10.2.2016 in the petition bearing No.**CRM-M-17204 of 2014** that the matter has been compromised between the parties without any coercion and pressure and with the free will and consent of the parties.

While the petition bearing No.**CRM-M-17204 of 2014** was pending, an application bearing No.CRM-38125 of 2015 was filed by two applicants, namely, Charanjit Kaur wife of late Satpal Singh Gill, resident of House No.218, Agar Nagar, Ludhiana and Supinder Gill wife of Satnam Singh Gill, resident of Gill Avenue Opposite Magnet Resort, Barewala, District Ludhiana for impleading them as respondents No.5 and 6. Accordingly, vide order dated 30.8.2016 passed by this Court, these two aggrieved persons were also directed to appear before the trial Court for recording their respective statements with regard to compromise. The trial

Court was directed to forward report after recording their statements. Accordingly, the trial Court had recorded the statements of both these persons on 6.9.2016. The statement of Supinder Kaur Gill made before learned Magistrate, Ludhiana on 6.9.2016 reads as under:

“Stated that originally one Tejinder Singh Grewal was complainant in the above said FIR with whom the accused party made a compromise and filed petition under Section 482 Cr.PC bearing No.CRM-M-17204-2014 and during the pendency of that petition one Amit Kumar and Ajit Lakra filed a CRM in the above said petition and after that they also compromise the matter with the accused party. During the pendency of the above-said main petition bearing No.CRM-M-17204-2014, I along with my sister Charanjit Kaur filed a CRM No.38125 of 2015 through my counsel Mr. D.S. Sobti Adv., which is pending before the Hon'ble High Court for 21.09.2016 along with the original petition. Now, I have also compromised the subject matter of the above said FIR with all the accused namely Sunil Goel, Pardeep Kumar, Rajesh Sharma @ Rajbir, Ankur Gupta and Rajesh Aggarwal (accused in the report u/s 173(2) Cr.PC and Sanjeev Kumar Sharma, Rohtash Goel, Ramesh Bansal, Sandeep Goel (accused in the supplementary challan u/s 173(8) Cr.PC. I have handed over original documents to the accused. Now nothing is due of mine against omaxe limited or its directors or its employees or any of the accused mentioned above. All our claims have been settled amicably forever. This statement is given by me without being under any pressure, coercion or undue influence I have compromised the subject matter of the above-said FIR with all the accused. The compromise is genuine and voluntary and I

have no objection if the above-said FIR against all the accused mentioned above is quashed by Hon'ble High Court of Punjab and Haryana, Chandigarh.”

Similar statement was also made by another aggrieved person, namely, Charanjit Kaur before learned Judicial Magistrate 1st Class, Ludhiana on 6.9.2016.

On the basis of the statements recorded by the parties, learned Judicial Magistrate 1st Class, Ludhiana had forwarded the report dated 20.9.2016 in the petition bearing No.**CRM-M-17204 of 2014** that the parties have compromised the matter and the compromise is genuine, voluntarily and without any coercion or undue influence.

Learned senior counsel for the petitioners states that now the matter has been compromised between the parties and the aggrieved persons have got their statements recorded before the trial Court and, therefore, there is no impediment for this Court to quash the aforementioned two FIRs No.254 and 255 dated 13.10.2011 on the basis of compromise.

Learned senior counsel for the petitioners further states that though all the aggrieved persons have not appeared this Court today, but the petitioners have also settled the matter with them and have satisfied their respective claims.

Mr. D.S. Sobti, Advocate for the applicants in CRM No.38125 of 2015 in **CRM-M-17204-2014** also states that though the applicants have not been ordered to be impleaded as respondents, but the petitioners have

compromised the dispute with the applicants as well.

Learned State counsel states that since the Challan has been presented in the aforesaid FIRs No.254 and 255 dated 13.10.2011, he has no instructions in these cases.

I have heard learned counsel for the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the aforesaid FIRs No.254 and 255 dated 13.10.2011.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, the petition bearing No.***CRM-M-21002 of 2012*** and the petition bearing No.***CRM-M-21003 of 2012*** are allowed.

Accordingly, the FIR No.254 dated 13.10.2011 under Sections 406, 420/34, 120-B IPC registered at Police Station Division No.5, Civil Lines, Ludhiana, District Ludhiana and all subsequent proceedings arising therefrom are quashed on the basis of compromise effected between the parties.

Similarly, the FIR No.255 dated 13.10.2011 under Sections 406, 420/34, 120-B IPC registered at Police Station Division No.5, Civil Lines, Ludhiana, District Ludhiana and all subsequent proceedings arising therefrom are quashed on the basis of compromise effected between the

parties.

So far as petition bearing No.**CRM-M-17204 of 2014** is concerned, the same has already been dismissed by this Court vide order dated 29.5.2014 qua respondent No.2 Tejinder Singh Grewal. However, since FIR No.255 dated 13.10.2011 has already been ordered to be quashed, the present petition has become infructuous and is dismissed as such.

Since the main petitions have already been decided, the pending miscellaneous application(s), if any, shall also stands disposed of.

Photocopy of this order be placed on the file of other connected cases.

September 24, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes / No

Whether Reportable: Yes / No