

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

CRM-M No. 32019 of 2014

Date of decision: 05.12.2016

Chander Kanta and others

....Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Tapish Gupta, Advocate for
Ms. Puja Chopra, Advocate for petitioner No.3.

Mr.Sultan Singh Gill, DAG, Punjab.

Mr.Atul Goyal, Advocate for respondent No.3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.148 dated 01.04.2010 under Sections 420/120B IPC, registered at Police Station Division No.5, Civil Lines, Ludhiana City (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise and affidavits dated 09.04.2010 (Annexures P-2 to P-4).

This Court vide orders dated 06.07.2015 had directed the parties to appear before Illaqa Magistrate/ trial Court to get their statements recorded and the Learned Magistrate was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 06.07.2015, the parties have appeared before learned Addl. Chief Judicial Magistrate, Ludhiana and

got their statements recorded. On the basis of the statements so recorded, Learned Magistrate has forwarded report dated 22.07.2015 to the effect that though the compromise between the parties is a result of their free volition and without any inducement, threat or pressure, however, respondent No.3 namely Navdeep Kaur has not come forward to get her statement in support of compromise recorded.

The statement made by respondent No.4-complainant Pawandeep Kaur qua the genuineness of compromise, before the learned Magistrate on 17.07.2015, reads as under:-

“The present case bearing FIR no.148 Dated:-2010 under Section 420/120-B IPC with police station Div No.5 Civil Line Ludhiana was registered on my statement against Chandar Kanta W/o Ajay Verma R/o # no.1016 St No.10 Gurbaksh Colony Patiala, Neha Rani, D/o Rajinder Verma near Jeeto Market Shimlapuri Ludhiana, Himanshu Verma S/o Ajay Verma R/o # no. 1016 St no. 10 Gurbaksh Colony Patiala. Mannu Verma D/o Rajinder Verma near Jeeto Market Shimlapuri Ludhiana and Subhash Gogna @ Pappu S/o Ram Parkash R/o # no. 14493 St no.6 Bhagwan Nagar, Dholewal Chowk Ludhiana. I have entered into a compromise with the all accused persons with the intervention of the respectables. Now I do not want to pursue any kind of proceedings against the accused persons. On the basis of compromise with the accused persons, we have filed petition under Section 482 Cr.P.C. before Hon’ble High Court for quashing present FIR. I entered into a compromise with all the accused with my free consent without any pressure and threat. The present compromise is the result of free consent without any pressure, threat and coercion. I have no objection if all the

accused be acquitted in the present case as well as the present case be quashed by the Hon'ble High Court."

When the case came up for hearing before this Court on 31.07.2015, while accepting the prayer of the learned counsel for the petitioners, another opportunity was granted to the co-complainant, namely Navdeep Kaur to get her statement recorded before the trial Court on or before 06.08.2015 and the trial Court was directed to submit a supplementary report qua the compromise to this Court,

Thereafter, learned counsel for the petitioners has moved an application seeking exemption from recording statement of respondent No.3 upon which on 25.04.2016, this Court has passed the following order:-

"CRM-41728-2015

This is an application filed under Section 482 Cr.P.C. seeking exemption from recording the statement of respondent No.3, namely, Navdeep Kaur, who is a co-complainant in the case, in view of the compromise deed and her affidavit (Annexures P-2 and P-4).

Learned counsel for the applicant submits that the compromise deed has been executed between the parties and respondent No.3-Navdeep Kaur has furnished an affidavit in support of the compromise. However, after execution of the compromise deed, respondent No.3-Navdeep Kaur was got married and as on date, she has gone to USA, therefore, the requirement of recording her statement before the learned trial Court may be dispensed with and she be permitted to make statement in support of

the compromise by way of duly sworn in affidavit and attested by the notary.

Learned counsel for the State has no objection on the aforesaid prayer as made by learned counsel for the applicant.

Accordingly, the instant criminal misc. application is disposed of with the observation that respondent No.3-Navdeep Kaur may furnish an Indian affidavit duly sworn and attested by the notary with due approval of the High Commission.

The trial Court is directed to consider the said document as the statement of Navdeep Kaur and accordingly send a supplementary report qua the genuineness of the compromise to this Court.”

Pursuant to the aforesaid order, a report dated 16.09.2016, has been received from learned Additional Chief Judicial Magistrate, Ludhiana to the effect that Daljit Singh, father of respondent No.3-Navdeep Kaur has appeared before him on 14.09.2016 and tendered an affidavit of his daughter Naveep Kaur dated 08.08.2016 duly attested by Notary Public and counter attested by Assistant Consular Officer, High Commission of India, London (U.K.) whereby she has shown no objection to the FIR being quashed. The contents of the said affidavit reads as under:-

“Affidavit

I, Navdeep Kaur D/o Daljit Singh R/o Village Hussainpura, P.O. Netaji Nagar, Salem Tabri, District Ludhiana, presently R/o 14, Raleigh Road, South Hall, Middlesex,

UB2 5TW, UK, do hereby solemnly declare and affirm as under: -

- 1. That a petition bearing number CRM - M - 32019 of 2014 filed by the petitioners for quashing of FIR No: 148, Dated: 01.04.2010, U/ss : 420,120-B IPC registered at PS: Civil Lines, District : Ludhiana on the basis of a compromise between the petitioners and the deponent and respondent no 4 (Pawandeep Kaur) and the same is pending before The Hon'ble High Court Of Punjab and Haryana at Chandigarh.*
- 2. That in the aforesaid FIR (Annexure P-1) a compromise (Annexure P-2) was effected between the petitioners on one part and the deponent and respondent no 4 on the other, on 09.04.10 and according to the said compromise, the deponent and Pawandeep Kaur (Respondent no 4) have received the entire amount from the petitioners and the deponent and and Pawandeep Kaur (Respondent no 4) had also executed affidavits dated 09.04.10.*
- 3. That in the aforesaid quashing petition, The Hon'ble High Court of Punjab and Haryana at Chandigarh vide order dated 24.04.16 had allowed the deponent to furnish an Indian affidavit duly sworn and attested by the notary with due approval of the High Commission before Ld. Trial Court and has further has directed the trial Court to consider the said document as the statement of Navdeep Kaur and accordingly send a supplementary report qua the genuineness of the compromise to this Court.*
- 4. That the deponent fully acknowledges and supports the said compromise and now nothing is due towards the petitioners and the deponent has no grudge*

whatsoever against the petitioners. Further the deponent does not want to proceed further with said FIR and the deponent has no objection if the FIR is quashed.

5. *That the instant affidavit may be considered as the final statement of the deponent for all intents and purposes and the deponent has no objection if the FIR is quashed.*
6. *That the statement made in the instant affidavit has been made voluntarily, without any undue influence and coercion but with free will and consent of the deponent.*

Place: _____

Sd/- Deponent

Dated: 08/08/2016

VERIFICATION:-

Verified that the contents of the aforesaid paras no 1 to 5 are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been kept concealed therein.

Place: -66 King. St. Southall, UB2 4DD Sd/- Deponent

Dated: 08/08/2016”

Apart from the above affidavit/statement of the respondents No.3 and 4 whereby they have shown no objection to the FIR being quashed, there is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Learned State counsel as well learned counsel for respondent No.3 have not disputed the factum of compromise entered between the parties.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)** and as approved by the Hon'ble Apex Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.148 dated 01.04.2010 under Sections 420/120B IPC, registered at Police Station Division No.5, Civil Lines, Ludhiana City (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise arrived at between the parties.

December 5, 2016
ANJAL

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No