

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-30773 of 2017 (O&M)
Date of Decision: 15.3.2018**

Krishma Verma and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Petitioner No. 1 in person along with
Ms. Payel Mehta, Advocate.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Jatinder Pal Singh, Advocate
for respondent No. 2.

ANITA CHAUDHRY, J

The instant petition is for quashing of FIR No. 2 dated 4.1.2013 registered under Sections 406, 498-A IPC, Police Station NRI, Hoshiarpur (Annexure P-1) and all the consequent proceedings arising out of the same, on the basis of compromise arrived at between the parties.

On 6.11.2017, main case was ordered to be posted after petitioners No. 2 and 3 returned to India. Petitioners No. 2 and 3 have returned to India.

Main case is taken up for hearing today itself.

Along with the petition, the petitioners have also filed CRM No. 9430 of 2018, seeking directions to the investigation officer to release the passport and OCI Card of petitioner No. 2 which was impounded by the police at the time of arrival of petitioner No. 2 to India on 7.3.2018.

Petitioners No. 1 to 3 were abroad and they were declared

proclaimed offenders. Petitioner No. 1 had come to India in February 2016 and was arrested and was released on interim bail. Complainant Chetna Bagga is still abroad.

Vide order dated 24.8.2017, the parties were directed to appear before the trial Court for recording their statements and the trial Court was directed to submit the report with regard to genuineness of the compromise.

On 8.9.2017, Rahul Bagga, Special Power of Attorney of complainant Chetna Bagga had appeared before the trial Court and got his statement recorded with regard to compromise. He had also stated that they have received Rs. 16.00 lacs as permanent alimony. Petitioner No. 1-Krishma Verma had appeared before the trial Court. She had also appeared on behalf of petitioners No. 2 and 3 being their general power of attorney. Petitioner No. 4-Dipali Luthra had also appeared before the trial Court and joint statement of the petitioners were recorded.

The trial Court had reported that the compromise was genuine. It had also been reported that petitioner No. 2-Amit Verma was proclaimed offender.

On 28.2.2018, this Court was informed that petitioners No. 2 and 3 were returning to India on 6.3.2018. Therefore, they were directed to appear before the trial Court for recording their statements on 8.3.2018 and on their appearance before the trial Court, they were ordered to be released on interim bail.

On 8.3.2018, petitioners No. 2 and 3 appeared before the trial Court and their statements were recorded. Report of the trial Court has been received. It has been reported that the parties have compromised the matter voluntarily, without any pressure, coercion or undue influence. The trial

Court has also sent the copy of the statements of the parties and copy of the compromise.

Learned counsel for the State on instructions submits that petitioners are the only accused and respondent No. 2 is the only aggrieved person in this FIR.

Statement of Special Power of Attorney of the complainant and all the petitioners were recorded and they have admitted the factum of compromise effected between them.

No useful purpose would be served to keep the FIR pending.

In view of the statements and report of the trial Court and the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**, the instant petition is allowed and the aforesaid FIR and all consequent proceedings conducted on the basis thereof are quashed qua the petitioners.

CRM No. 9430 of 2018 is allowed. The investigating officer is directed to release the passport and OCI card of petitioner No. 2.

The look out notice, if any, against the accused in this FIR would cease to have any effect as the FIR has been quashed.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

(ANITA CHAUDHRY)
JUDGE

March 15, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No