

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

CRM-M-43134-2015 (O&M)

Date of decision: December 24, 2015

Amandeep Kamboj & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rajesh Kumar Girdhar, Advocate for the petitioners.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.82 dated 16.07.2015, registered against the petitioners under sections 420, 467, 468, 471, 506, 120-B IPC at Police Station City Fazilka, District Fazilka, vide FIR No.82 dated 16.7.2015.

FIR was got registered on the basis of statement of Gagandeep Kaur. She alleged that petitioner No.1 Amandeep Kamboj claiming that he had relations with Chief Minister, Punjab and other higher police officers allured Kulwinder Kaur, friend of complainant and promised that she would get a job of Sub Inspector in the Punjab Police. For this purpose, he demanded Rs.25.00 lacs. In the presence of complainant, who stood as guarantor, an amount of Rs.13.00 lacs was given to the petitioner No.1. Thereafter, Kulwinder Kaur filed online application for the said post. Meanwhile, petitioner No.1 induced the complainant to purchase a plot of 10 Marlas at Mohali which was in his name and received Rs.20.00 lacs from her. Thereafter, Amandeep

Kamboj neither executed any sale deed nor returned the amount. The complainant alongwith Dharminder Singh brother of Kulwinder Kaur went to accused Bhagwan Dass father of Amandeep Kamboj, who threatened the complainant that in case they reported the matter to the police, the money would not be returned. In this way, accused Amandeep Kamboj in connivance with his father Bhagwan Dass and friend Saurav Vij has committed a fraud with the complainant. Pursuant to the FIR, police registered a case against the accused. Petitioners claim that after registration of FIR, a compromise has been effected between them and the complainant. A copy thereof has been annexed alongwith the petition as Annexure P-2. It has been stated therein that both parties had entered into a compromise with intervention of common relatives and respectables and there being no ill-feeling or grudge between the parties, FIR may be quashed.

Learned counsel for the petitioners has emphatically submitted that matter having been amicably resolved between the parties, no dispute survives. He has placed reliance on judgment in ***Kulwinder Singh and others Vs. State of Punjab, 2007(3) RCR (Crl.) 1052.***

Before issuing notice of motion, this court had sought assistance of the State counsel. He has opposed the plea of quashing the FIR.

I have heard learned counsel for the parties and considered the matter.

In my considered view, FIR in question cannot be quashed on the basis of compromise. As petitioner named the Chief Minister and

higher officials of the State Government, dispute cannot be stated to be private in nature. Matter may require a thorough probe. In such matters, ration of *Kulwinder Singh's case (supra)* would not be attracted, as investigating agency may have to unravel the entire modus operandi of the crime. Even otherwise, such a compromise would be of no avail in view of nature of allegations. The petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

December 24, 2015
'Rajpal'

Whether to be referred to reporter? Yes / No