

CRM-M-37522-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-37522-2017 (O&M)

Date of Decision: 17<sup>th</sup> December, 2019

Baldev Singh

...Petitioner

Versus

State of Punjab & another

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Bikramjeet Singh Jatana, Advocate  
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

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SUDHIR MITTAL, J. (ORAL)

Petitioner seeks quashing of FIR No.14 dated 16.01.2017, under Section 420 of IPC registered at Police Station Division No.5 Ludhiana, District Ludhiana. According to the contents of the FIR, the petitioner entered into a compromise dated 27.09.2015, according to which he was to receive a car, a plot of land and some money from the complainant and subject to receipt thereof, he was to withdraw FIR No.74 dated 29.05.2015, registered at Police Station City Sri Mukatsar Sahib, under Sections 420 and 506 IPC. Despite receipt of the consideration, the petitioner did not withdraw the said FIR and thus, he had cheated the complainant.

Learned counsel for the petitioner submits that FIR No.74 dated 29.05.2015 was registered at Police Station City Sri Mukatsar Sahib, under

Sections 420 and 506 of IPC because the present complainant, her sons and daughter-in-law owed about Rs.61,00,000/- to the petitioner. After registration of the FIR, a compromise dated 27.09.2015 was reached between the parties, according to which, the petitioner was to receive a car, some cash and a plot measuring 450 sq. yards. The petitioner executed an affidavit dated 05.10.2015 undertaking to withdraw FIR No.74, dated 29.05.2015, subject to receipt of consideration and execution of sale-deed of plot measuring 450 sq. yards. The said sale-deed was not executed and therefore, the petitioner did not withdraw the FIR. In any case, going back upon a promise, does not amount to committing of offence of cheating and thus, FIR No.14 dated 16.01.2017, registered at Police Station Division No.5 Ludhiana, under Section 420 of IPC deserves to be quashed.

Learned counsel for the complainant submits that a perusal of the vernacular of compromise dated 27.09.2015, leaves no manner of doubt that point No.6, in the said compromise was interpolated later on. The affidavit did not contain any stipulation that the FIR would be withdrawn subject to execution of sale-deed. Thus, action of the petitioner in not withdrawing FIR No.74 dated 29.05.2015 was fraudulent. No ground exists for quashing of the FIR. Further, he submits that the complainant and her family members have been acquitted in the FIR registered against them and this shows the falsity of the claim of the petitioner.

From a bare perusal of the FIR, it is evident that the allegation against the petitioner therein is that he had entered into a compromise and then, backed-out therefrom. If a party backs out of a compromise, no loss is

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caused to the complainant by such conduct. Thus, the offence of cheating is not made out upon a bare perusal of the allegations levelled in the FIR. The acquittal of the complainant and her family members would not make any difference as order of acquittal, only implies that the prosecution was unable to prove its case beyond all reasonable doubts. Money was due to the petitioner from the complainant and her family members as is evident from the compromise dated 27.09.2015 and consequently, it cannot be claimed that the petitioner illegally and fraudulently obtained some money from the complainant and her family members.

The registration of FIR No.14 dated 16.01.2017, thus, amounts to abuse of the process of criminal law. No offence is discernible from a perusal of the allegations contained therein. Accordingly, this petition is allowed and FIR No. 14 dated 16.01.2017, under Section 420 of IPC registered at Police Station Division No.5 Ludhiana, District Ludhiana along with all consequential proceedings having arisen therefrom, is quashed qua the petitioner.

**(SUDHIR MITTAL)**  
**JUDGE**

**17<sup>th</sup> December, 2019**  
*Nisha*

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|-----------------------------------|---------------|
| <b>Whether speaking/reasoned:</b> | <b>Yes/No</b> |
| <b>Whether Reportable:</b>        | <b>Yes/No</b> |