

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

267

**CRM-M-34636-2019
Date of decision: 25.02.2020**

Nama Ashish Prem Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Salil Sablok, Advocate for
Mr. Kannan Malik, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana
for respondent No.1.

None for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioner-Nama Ashish Prem Singh has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.41 dated 19.01.2019 registered under Sections 420 and 406 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Samalkha, District Panipat (**Annexure P-1**), to which Section 506 of the IPC was added lateron along with all consequential proceedings arising therefrom in view of the compromise dated 03.04.2019 (**Annexure P-3**) effected with respondent No.2-Ved Singh.

The above said FIR was registered on statement of respondent No.2/complainant-Ved Singh who alleged that the petitioner/accused cheated him and dishonestly induced him to pay amount of Rs.2 lakhs on 20.12.2016 and Rs.2,50,000/- on 05.08.2017 on the fraudulent representation of getting his son employed or send him abroad.

The petitioner has filed the present petition for quashing of the FIR on the grounds that now with the intervention of respectables, the matter has been amicably compromised between the parties and they have resolved their differences.

Vide order dated 27.01.2020, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 03.02.2020 or any other date convenient to the Court for recording their statements with regard to compromise/settlement and directed the Trial Court/Illaq Magistrate to submit a report before the next date of hearing i.e. on 25.02.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Sub Divisional Judicial Magistrate, Samalkha, District Panipat has recorded the statements of both the parties and submitted report dated 20.02.2020. The relevant part of the same reads as under:-

"In pursuance of the directions of the Hon'ble High Court in the supra order, both the complainant as well as accused appeared in the court on 03.02.2020 for getting their statements recorded with regard to the compromise. Report with regard to specific points, as sought, is as under:-

- 1. Only one accused namely Ashish Prem Singh son of Prem Singh has been arrayed in the present case FIR and he appeared.*
- 2. The aforesaid accused had not been declared P.O. in any other case.*
- 3. Name of the complainant/victim is Ved Singh S/o Lehna Singh. He appeared and made his statement in support of the compromise.*
- 4. The case is presently at the stage of prosecution evidence.*
- 5. The aforesaid accused is not involved in any other case.*
- 6. The compromise between the parties appears to be genuine and entered into voluntarily and out of their free*

will. Both the parties categorically stated that they have entered into the compromise without any pressure and out of their free will."

Reply on behalf of respondent No.1-State has been filed by way of affidavit of Pardeep Singh, HPS, Deputy Superintendent of Police, Samalkha, Panipat pleading that the petitioner is not entitled to get the proceedings of present FIR quashed because investigation has been completed by the police and final investigation report has been submitted before the Illaqa Magistrate.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

It is now well settled that the High Court has inherent power to quash the criminal proceedings in non-compoundable cases on the basis of settlement between the parties for securing the ends of justice or to prevent abuse of the process where the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case. Criminal cases having overwhelmingly and predominantly civil character particularly those arising out of commercial transaction or arising out of matrimonial relationship or family dispute can be quashed when the parties have resolved their entire dispute among themselves. However, such power cannot be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape dacoity, etc. which are not private in nature and have a serious impact on society. Similarly, prosecution for offences alleged to have been committed under special

enactments like the Prevention of Corruption Act or the offences committed by public servant while working in that capacity cannot be quashed on the basis of compromise between the victim and the offender. For judicial precedents in this regard, reference may be made to *Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482*, *State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019 (2) RCR (Criminal) 255* and *Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052*.

A perusal of the report of learned Sub Divisional Judicial Magistrate, Samalkha, District Panipat reveals that the matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence.

The present case is overwhelmingly and predominantly of private/personal character arising out of commercial transactions. The parties have resolved their entire dispute among themselves. The compromise has been arrived at between the parties at the initial stage when the case is still at the stage of prosecution evidence.

In view of the facts and circumstances of the case, the possibility of conviction of the petitioner is remote and bleak and continuation of this case will put the petitioner to great oppression and extreme injustice would be caused to the petitioner if the FIR and all consequential proceedings are not quashed. Therefore, FIR No.41 dated 19.01.2019 registered under Sections 420 and 406 of the IPC at Police Station Samalkha, District Panipat (**Annexure P-1**), to which Section 506 of the IPC was added lateron is quashed along with all

consequential proceedings arising therefrom.

The petition is allowed accordingly.

25.02.2020

(ARUN KUMAR TYAGI)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No