

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

101/2

**CRM-M-38930-2019
Date of decision: 04.03.2020**

Sukhpal Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gurbir Singh Pannu, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab
for respondent No.1.

Mr. Gurmeet Singh Saini, Advocate for
Mr. Neeraj Madaan, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioner-**Sukhpal Singh** has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing of FIR No.167 dated 15.07.2018 registered under Section 420 of the Indian Penal Code, 1860 (for short, "the IPC") and Section 24 of the Immigration Act, 1983 at Police Station Division No. 6, Jalandhar District Jalandhar (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of affidavit dated 05.09.2019 of respondent No. 2- **Naman Tiwari**.

Naman Tiwari-Respondent No. 2 submitted written complaint to the Police Commissioner, Jalandhar alleging that the petitioner-accused Sukhpal Singh along with his co-accused Manjot Kashyap cheated the complainant and dishonestly induced him to pay amount of Rs. 3,50,000/- on the fraudulent representation of getting

work permit issued to him for Singapore. On submission of complaint inquiry was made by Inspector Harbhajan Singh, Incharge AHTC and on his recommendation FIR was registered against the petitioner-accused.

Accused Sukhpal Singh 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.

Notice of the petition was given to the respondents vide order dated 13.09.2019.

Respondent No. 2 admitted the compromise on which the Co-ordinate Bench of this Court vide order dated 11.12.2019, directed the private parties to appear before the Area Magistrate/trial Court concerned up-to 07.01.2020 to record their statements with regard to compromise/settlement and directed the Area Magistrate/trial Court to submit a report before the next date of hearing i.e. on 25.01.2020.

In compliance with the above said order, learned Chief Judicial Magistrate (NRI Court), Jalandhar has recorded the statements of both the parties and submitted report dated 16.01.2020. The relevant part of the same reads as under:-

"Kindly refer to the order 11.12.2019 passed by Hon'ble Punjab & Haryana High Court in CRM-M-50348 of 2018 in case titled as "Sukhpal Singh Vs. State of Punjab & Anr.."

Respectfully, it is submitted that an application had been moved in the court of undersigned for recording the statements of the complainant as well as the accused. In compliance with the order referred above, the statements of following persons have been recorded relating to compromise.

1. *Naman Tiwari (complainant) identified by his counsel Sh. Shubham Sachdeva, Advocate (Annexure -A along with copy of identity proof)*
2. *Sukhpal Singh (accused) identified by her counsel Sh. Vikram Sethi, Advocate (Annexure-B along with copy of identity proof)*
3. *The complainant as well as the accused stated that the compromise has been effected between them without any pressure, coercion, undue influence. From the statements of the parties, the compromise appears to be genuine voluntary and without any coercion or undue influence."*

Status report by way of affidavit of Sh. Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Tanda, District Hoshiarpur was filed on behalf of respondent No. 1-State mentioning therein that apart from the present FIR, FIR No. 203 dated 03.10.2017 was registered against the petitioner under Sections 406 and 420 of the IPC and Section 24 of the Immigration Act at Police Station Division No. 7, Jalandhar which was quashed by this Court vide order dated 13.08.2018 and FIR No. 163 dated 26.07.2017 under Sections 406, 420 and 506 of the IPC was registered at Police Station Mandi Gobindgarh against the petitioner in which the petitioner was acquitted on the basis of compromise.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for respondent No.2 who have reiterated their respective stands. I have also 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 Chief Judicial Magistrate (NRI Court), Jalandhar clearly reveals that the matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence.

The offences involved in present case are overwhelmingly and predominantly of private/personal character. The parties have

resolved their entire dispute among themselves. The compromise has been arrived at between the parties at the initial stage.

In view of the facts and circumstances of the case, the possibility of conviction of the petitioner is remote and bleak. 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.

In view of the above discussion, FIR No.167 dated 15.07.2018 registered under Section 420 of the IPC and Section 24 of the Immigration Act, 1983 at Police Station Division No. 6, Jalandhar, District Jalandhar (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

04.03.2020

rajeev(rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No