

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

CRM-M-54365-2019

Date of Decision : 21.01.2020

Sandeep Kumar Bedi @ Bobby and others

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Anil Kumar Garg, Advocate
for the petitioner.

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

Mr. S.S. Grewal, Advocate
for the complainant/respondent No. 2

ARUN KUMAR TYAGI, J. (ORAL)

The petitioners- **Sandeep Kumar Bedi @ Bobby, Ekta Bedi and Suman Bedi** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') praying for quashing of FIR No. 0132 dated 18.05.2018 registered under Sections 120-B and 420 of the Indian Penal Code (for short 'the IPC') at Police Station Sadar Ludhiana, District Ludhiana (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 09.12.2019 (**Annexure P-2**) with respondent No. 2-Jiwan Kumar.

The above said FIR was registered on statement of complainant respondent No.2- Jiwan Kumar. In his statement, Jiwan Kumar alleged that the petitioners Sandeep Kumar Bedi, his wife Ekta Bedi and son Suman Bedi cheated

the complainant during the period from 20.10.2015 to 18.01.2016 and dishonestly induced him to pay an amount of Rs. 10 lakhs to them on fraudulent representation of sending his nephew to America and did not return the amount.

The petitioners have 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 disputes and differences.

The Coordinate Bench of this Court, while issuing notice of motion on 19.12.2019, passed the following order:-

“Learned counsel for the petitioners while referring to Annexure P-2 has contended that a compromise has been effected between the parties and prayed for quashing of FIR No. 0132 dated 18.05.2018 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana and all subsequent proceedings arising therefrom.

Notice of motion for 21.01.2020.

On the asking of the Court, Mr. Sandeep Singh Deol, D.A.G. Punjab accepts notice on behalf of respondent No.1-State.

At this stage, Mr. S.S.Grewal, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 and has admitted the factum of compromise.

Copies of the paper book have been supplied to the learned Counsel for the respondents.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 04.01.2020 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. Current stage of the case.*

The trial Court is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR. Trial Court/Illaq Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.”

In terms of aforesaid order, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of both the parties and submitted report dated 18.01.2020. The operative part of the same reads as under:-

“ The parties appeared along-with their respective counsels on 04.01.2020. The statement of Dharminder s/o Husan Lal (attorney holder of accused namely Sandeep Kumar @ Sandee Kumar Bedi @ boby, Ekta @ Ekta Bedi and Shubham @ Suman Bedi) by virtue of Ex.P3 which is Special Power of attorney executed by accused Sandeep Kumar, Ekta and Shubham in favour of Dharminder was recorded. Statement of the complainant Jeewan Kumar was also recorded. The attorney holder of accused persons and the complainant were duly identified by their respective counsels. Additionally, a copy of their respective Adhar Cards, after comparing the same with the original was also retained on record.

Subsequent to this, notice to IO ASI Harmesh Singh was issued and upon appearance, his statement regarding information sought by the Hon'ble High Court was also recorded. The copies of statement of all the aforesaid persons as recorded before the undersigned is annexed herewith for kind perusal and reference.

On the basis of the statements of the parties, statement of IO ASI Harmesh Singh and upon appearance, his statement regarding information sought by the Hon'ble High Court was also recorded. The copies of statement of all the aforesaid persons as recorded before the undersigned is annexed herewith for kind perusal and reference.

On the basis of the statements of the parties, statement of IO ASI Harmesh Singh and upon a perusal of the case record, the report is respectfully submitted as follows:

- 1. The FIR was instituted against three accused persons, i.e. Sandeep Kumar Bedi s/o Onkar Singh, Ekta w/o Sand Kumar Bedi and Suman Bedi s/o Sandeep Kumar Bedi.*
- 2. As per the statement of I.O., none of the accused persons have been declared as proclaimed offender in the present case or in any other case.*
- 3. On the basis of the statement of the parties recorded in the presence of their respective counsel and their demeanor the compromise between the parties appears to have been arrived at with volition, free consent, without any coercion, threat or undue influence. In view thereof, the undersigned is of the opinion that the compromise is genuine, voluntarily and without any coercion or undue influence.*
- 4. As per the statement furnished by IO ASI Harmesh Singh, none of the accused persons are involved in any other case or FIR.”*

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for respondent No.2 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 **Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) R.C.R. (Criminal) 1052; Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482 and State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019(2) RCR (Criminal) 255.**

A perusal of the report of learned Judicial Magistrate 1st Class, Ludhiana clearly reveals that the matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence.

Learned State Counsel has no objection in case the aforesaid FIR along with all subsequent proceedings arising therefrom is quashed on the basis of the compromise effected between the parties in this case. The offences involved in the present case are overwhelmingly and predominantly of private/commercial character. The parties have resolved their entire dispute among themselves. The case is at initial/investigation stage as the report under Section 173(2) of the Cr.P.C. has not yet been presented in the Court. In view of the facts and circumstances of the case the possibility of conviction of the petitioners is very remote and bleak and continuation of this case will put the petitioners to great oppression and extreme injustice would be caused to the petitioners if the FIR and all consequential proceedings are not quashed.

In view of the above discussion, FIR No. 0132 dated 18.05.2018 registered under Sections 120-B and 420 of the Indian Penal Code (for short 'the IPC') at Police Station Sadar Ludhiana, District Ludhiana (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

21.01.2020

Kavneet Singh

(ARUN KUMAR TYAGI)
JUDGE

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