

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

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**CRM-M-23983-2021
Date of decision: 18.08.2021**

Jasvir Singh and othersPetitioners
Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. K.S. Rupal, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for respondent No.1-State.

Ms Pavit, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

Petitioners-**Jasvir Singh, Harpreet Kaur, Devinder Sandhu** and **Baljit Singh Sandhu** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.455 dated 31.12.2020 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 (for short, "the IPC") and Section 24 of the Immigration Act at Police Station Division No.8, Ludhiana with all consequential proceedings arising therefrom in view of the compromise dated 07.01.2021 effected with respondent No.2-**Balwinder Singh**.

Briefly stated, the above said FIR was registered against the petitioners on statement made by respondent No.2. In his statement, respondent No.2 alleged that the petitioners cheated and dishonestly induced him to pay amount of Rs.1,72,500/- on the pretext of sending his daughter-in-law Swarnjeet Kaur abroad but the petitioners neither

provided visa to his daughter-in-law nor refunded his money.

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 compromised between the parties and they have resolved their differences.

Vide order dated 05.07.2021, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 28.07.2021 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 18.08.2021 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Judicial Magistrate First Class, Ludhiana has recorded the statements of both the parties and submitted report dated 05.08.2021. The relevant part of the same reads as under:-

"I have the honour to submit that complainant Balwinder Singh as well as accused Harpreet Kaur, Devinder Sandhu, Jasvir Singh and Baljit Singh Sandhu appeared before this Court for recording their statements as directed by Hon'ble Punjab & Haryana High Court vide order dated 05-07-2021 passed in CRM-M-23983-2021 by Hon'ble Punjab and Haryana High Court.

In view of the aforesaid order of Hon'ble Punjab and Haryana High Court, statement of the concerned parties i.e. Balwinder Singh (complainant) as well as Harpreet Kaur, Devinder Sandhu, Jasvir Singh and Baljit Singh Sandhu (accused) have been recorded. True copies of the statements so recorded, are enclosed herewith.

After going through the statements of the parties i.e. Petitioner and respondent, this court is of the opinion that the statements are not the result of any pressure or coercion in any manner between the parties. The compromise is a valid compromise. It is further submitted that as per the statement of Investigating Officer ASI Satwinder Singh, there are four accused in this case namely Baljit Singh Sandhu, Harpreet Kaur, Devinder Sandhu and Jasvir Singh and none of the accused has been

declared as Proclaimed offender in this case. It is further submitted by Investigating Officer that in the present case challan has not been presented in the Court. It is further submitted by him that apart from present FIR, several other FIRs have also been registered against the above mentioned accused details of which have been mentioned by him in the Court in his statement suffered in the Court, which have been annexed herewith.”

Respondent No.1-State has not filed reply to the petition despite opportunity granted for this purpose.

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) RCR (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 First Class, Ludhiana 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 with all subsequent proceedings arising therefrom is quashed on the basis of compromise effected between the parties in this case.

The offences involved in the present case are overwhelmingly and predominantly of private character. The parties have resolved their entire dispute among themselves. The compromise has been arrived at between the parties at the initial stage. The compromise will restore cordial relations between the parties and contribute to peace and harmony in the society. In view of the facts and circumstances of the case, the possibility of conviction of the petitioners is remote and bleak. 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, the petition is allowed and FIR No.455 dated 31.12.2020 registered under Sections 420 and 120-B of the IPC and Section 24 of the Immigration Act at Police Station Division No.8, Ludhiana is quashed along with all consequential proceedings arising therefrom.

18.08.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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