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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9644-2022
Date of Decision: 09.03.2022

Pradeep Singh and another

....Petitioner(s)

Versus

State of U.T Chandigarh and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sukhbir Maandi, Advocate, for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.0071 dated 23.10.2020, under Sections 419, 420, 468, 471, 120-B IPC, registered at Police Station Sector 49, Chandigarh based upon compromise Annexure P-2.

As per the allegations contained in the FIR which was lodged on the basis of statement of one Ashok Kumar Yadav that on 18.03.2020 a call had come on his mobile No.8427822996 and on which first time a girl was speaking after that she talked with her senior, who told his name as Arjun and told himself as Branch Head of PNB METLIFE and told his mobile No.9888258789 and said that he was sending two field persons to him to understand the plan and gave his address and thereafter Pradeep

Raturi and Sandeep Singh (petitioners) came to his house and there were talks regarding the policy on the same day. Thereafter, Pradeep Raturi and Sandeep Singh (petitioners) after explaining the policy gave him some fake documents and took cash of Rs. 2,09,000/- and thereafter, they went away by giving him two fake policies/documents of Rs. 1,04,500/- or Rs,1,04,500/- and said that later on receipt of the money will be given on 26.04.2020. Thereafter, the complainant did not get any policy and then he went to the office of PNB METLIFE Office at Sector-17, Chandigarh and had shown his documents to them and it was found that such documents were never issued by their office and it was in fact some company which was operating in this regard by giving false policies.

Learned counsel for the petitioners has submitted that vide Annexure P-2 now a compromise has been effected between the parties, although challan has been presented to the Court but no useful purpose will be served in case the further prosecution is carried on.

I have heard the learned counsel for the petitioners.

A perusal of para No.9 of the petition would show that the petitioners are also involved in four more cases i.e. FIR No.377 dated 19.10.2020, under Section 406 and 420 IPC, registered at Police Station Chandimandir, Panchkula, FIR No.117 dated 03.04.2021, under Sections 419, 420, 467, 468 and 471 IPC and Section 66 (C) and 66 (D) of IT Act, registered at Police Station Sohana, District Mohali, FIR No.50 of 2021, under Sections, 420 and 120-B IPC, registered at Police Station Dharasu, District Uttar Kashi, Uttarakhand and FIR No. 790 dated 25.07.2019, under Sections 343, 379-A, 420 and 506 IPC and Section 66-C of IT Act,

registered at Police Station Jagadhri, District Yamuna Nagar.

On a query being asked from the learned counsel for the petitioners as to whether the nature of these FIRs and the allegations were similar to the allegations contained in the present case pertaining to giving of fake policies or not, the learned counsel for the petitioners stated that the allegations were similar in nature. However, so far as one of the FIR is concerned, the allegations were different in nature but in the remaining three the allegations were similar in nature.

The law pertaining to the quashing of the FIR based upon compromise is no longer *res integra*. The Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and another [2013(1) SCC (Criminal) 160 and State of Madhya Pradesh Versus Laxmi Narayan and others [2019(2) SCC (Criminal) 706]*** laid down the parameters for quashing of the FIR based upon compromise. The High Court while exercising the powers under Section 482 of the Code of Criminal Procedure has to satisfy itself with the facts and circumstances of each and every case as to whether quashing of the FIR at the threshold or at any stage would secure the ends of justice or not or as to whether the continuation of the prosecution would be an abuse of the process of law or not. However, in serious and heinous offences, the FIR cannot be quashed based upon compromise. In addition to this, the offences which are pertaining to society at large also cannot be quashed based upon compromise. However, in certain cases like financial dispute between two parties, matrimonial disputes etc., in case the Court considers that in order to secure the ends of justice the FIR should be quashed, then the same can be done in accordance with the facts and circumstances of each and every case.

Therefore, no straight jacket formula can be laid down in this regard.

The facts and circumstances of the present case suggest that allegedly the petitioners had taken about Rs. 2,00,000/- from the complainant and gave him two fake policy documents of insurance policies which was later on verified to be fake by the Insurance Company. Apart from the same, they are also involved in four more such and similar kind of cases and, therefore, this case cannot be termed as an isolated case of one to one transaction but it would definitely be pertaining to an offence against the society at large and the gravity and magnitude of the present case would disentitle the petitioners to invoke the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

Therefore, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

09.03.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)**JUDGE**

: Yes/No
: Yes/No