

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12891-2023 (O&M)
Reserved on: 11.04.2023
Pronounced on: 18.04.2023

Gurdeep Singh & another
... Petitioner(s)
Versus
State of Punjab & others
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Baljinder Singh Saini, Advocate
for the petitioner(s).

Mr. H.S. Sitta, DAG, Punjab.

Mr. Sanjay Khan, Advocate
for respondent nos.2 to 4.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
63	10.10.2019	Morinda, District Rupnagar	420, 120-B IPC

The petitioners, arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person.

2. During the pendency of the petition, the accused and the aggrieved persons have compromised the matter, and its copy is annexed with this petition as Annexure P-2.
3. After that, the petitioners came up before this Court to quash the FIR, impleading the aggrieved persons as respondent no.2 to 4.
4. This court had asked the parties to appear before the concerned court and had asked the said court to give its report as per the format. The report reads as follows:

Name of the reporting Court	Additional Chief Judicial Magistrate, Rupnagar
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Criminal Case no. before trial Court	CHI/161/2022
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1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	i. Kamalpreet Singh ii. Karanvir Singh iii. Veer Varinder Singh
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	i. Kamalpreet Singh - 5.4.2023 ii. Karanvir Singh -5.4.2023 iii. Veer Varinder Singh – 24.3.2023
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No
6.	Names of the accused person(s)	i. Gurdeep Singh ii. Gurdeep Kaur
7.	Dates on which the statement(s) of the accused persons(s) recorded	24.3.2023
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes
9.	Whether proclamation proceedings are pending against any accused?	No
10.	Has the police report been filed or not?	Yes
11.	Notice of accusation /Charges have been framed or not?	Yes
12.	Sections of statutes invoked in the matter	420, 120-B IPC
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes

ANALYSIS & REASONING:

5. The allegations against the petitioners are extremely serious and it would be appropriate to refer to FIR (Annexure P-1), which reads as under:-

“Copy of the Application No653-P Dated 05.07.2019 To The S.S.P Sahib Rupnagar Subject: Application against Gurdeep Singh Mobile No. 94639-36104 son of Parminder Singh resident of Village Badhwali, Police Station Morinda, District SAS Nagar and Simran Kaur Mobile No. 87289-23964 regarding committing fraud. Sir, it is submitted that we, Kamalpreet Singh son of Sukhminder Singh resident of Ward No.2/157, near Rest house Morinda, Karanvir Singh son of Sh. Avtar Singh resident of Village and Post office Lutheri, District Rupnagar and Beer Varinder Singh son of Sh. Sajjan Singh resident of Village Kansala, Tehsil Sialba, District Mohali. That Gurdeep Singh son of Parminder Singh resident of Village Badwali, police station Morinda, District Rupnagar is our acquaintance. In the month of September 2017, we have come in contact with him. He told us that I am Driver of Judge Gurdeep Singh Sidhu at High Court in Chandigarh and recruitments of drivers are going in High Court Chandigarh. A girl namely Simran Kaur was also with him. She said that I am working as Clerk in High Court. They have gained our trust and said that we will get you employed as drivers to the Judges and we have come under their influence and trust them. We have filled the forms by signing the papers and

gave them the photocopies of the documents by signing them and also given them our photos. That the aforesaid persons demanded two-two lakh rupees (Per Person) to get them the jobs of drivers and on trusting them, Kamalpreet Singh's father Sukhminder Singh given the cheque of Rs.50,000/- and another cheque of Rs.1,00,000/- and Beer Varinder Singh's father S. Sajjan Singh given the cheque of Rs.50,000/- and another cheque of Rs.1,00,000/- and Karanvir Singh's father Avtar Singh given a cheque of Rs.1,00,000/- and Rs.2,00,000/- cash. That after taking money, they have said to us that you will get the job in two months. We keep on waiting for two months to get the job and after two months, when we asked him on meeting that when we will get the job, then she keeps on hanging the matter and said that you wait for two months; you will definitely get the job. But when we contacted him again and again, he started harassing us and then he stopped picking up his phone. That the aforesaid person is a fraud type person and has already cheated many people due to which many cases are pending against him. We went to his house and told the entire matter to his father but he kept on harassing us and did not talk to Gurdeep Singh. We have asked him to return our money many times and we also talked to the girl Simran Kaur many times on the phone and asked her to return our money but she also kept pushing us to get a job. We request that legal action be taken against Gurdeep Singh and Simran Kaur and that justice should be given to us."

6. Section 420 IPC is placed in second table of Section 320 CrPC and it is compoundable with the permission of the Court, whereas offence under Section 120-B IPC is a neutral offence and it goes with the main provision. Permission of the Court is not an empty formality and while deciding a petition for quashing for offences which are compoundable with the permission of the Court, the Presiding Officers do not act like rubber stamps. Once a statute specifically states that compounding shall be subject to permission of the Court, then legislative intention is clear that the Court has to apply its mind and such application of mind should be supported by reasons, because an unreasonable order will be an arbitrary order. Given the nature of allegations, in case this offence is permitted to be compounded, it would send a negative message about the image of judiciary, which cannot be compromised at any cost in a democratic set up.

7. Given above, this Court refuses to grant permission to compound the offence in question. However, trial Court is requested to expedite the trial and conclude the same preferably before 31.7.2023.

Petition is dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

April 18, 2023
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Whether speaking/reasoned	:	Yes
Whether reportable	:	No