

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25857-2022
Reserved on: 11.12.2023
Pronounced on: 16.12.2023

Amritpal SinghPetitioner

vs.

State of Punjab and AnotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: - Mr. J.S. Thind, Advocate
for the petitioner.

Ms. Swati Batra, DAG, Punjab (Through VC).

Mr. Ashish Nagar, Advocate
for the complainant/respondent No.2.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
0044	20.04.2021	Navi Baradari, Distt. Police Commissionerate Jalandhar	420 IPC and 7A of Prevention of Corruption Act

Seeking quashing of the above captioned FIR, based on the compromise with the complainant, the petitioner has come up before this Court.

2. Facts of the case are being taken from reply dated 10.12.2023, filed by the concerned Assistant Commissioner of Police, Special Crime (PBI), Jalandhar, and relevant paragraphs No.3 & 4 reads as follows:-

“3. That it is respectfully submitted that the brief facts of the matter are that a complaint bearing No. 1101/PTOO dated 23.08.2018 was given by the complainant namely Naresh Kumar to the office of Commissioner of Police, Jalandhar against the present petitioner Amritpal Singh; wherein the complainant stated that the petitioner committed cheating of Rs 2.50 lakhs with him on the pretext of arranging fancy registration number of the vehicle of the complainant.

The complainant further stated that he became known to the present petitioner as he was working in the office of District Transport Officer, Jalandhar. The friends of the Complainant namely Jang Singh Libra, owner of Bhatti Transport and other friend's namely Amrik Singh and Narinder Singh told the complainant that they were fond of fancy registration numbers for their vehicles. Since the complainant was known to the

present petitioner and therefore, the complainant along-with his friends contact the petitioner for purchase and arrangement of fancy registration numbers for the vehicles of above-said friends of the complainant.

The complainant had deal with Amritpal Singh for against Rs. 2,50,000/- (Rs. Two Lakh Fifty Thousand) which included registration fee for three fancy vehicle registration numbers. The complainant gave Rs. 2,50,000/- to the petitioner in the presence of his friends. Thereafter, the petitioner handed over the registration certificates bearing no's. PAX 81 for Swift Car, No. PAQ 81 for Swift car and No. PAX 9 for Cruze car of the above-said friends of the complainant. When the complainant personally enquired about the above-said registration of fancy numbers, then all of the documents of registration were found false.

The complainant contacted the petitioner and asked for return of his money and the petitioner gave Rs. 29,000/- to the complainant after much time and he assured the complainant to return the balance money to him and the petitioner issued 2 banks cheques of his son amounting of Rs. 15,000/- each to the complainant; however the petitioner did not provide the above-said balance amount of money to the complainant. Therefore, the complainant requested to take legal action against the petitioner Amritpal Singh.

4. That it is respectfully submitted that the complaint was forwarded by the office of Commissioner of Police, Jalandhar to the Incharge of Economic Offences Wing, Jalandhar to conduct an enquiry and submit a report. It is pertinent to mention here that during the course of enquiry in the above-said complaint by HC Gurinder Singh of Economic Offences Wing, Jalandhar; the following facts were revealed:

i) The statement of the complainant was recorded by the Police; wherein the complainant mentioned the facts mentioned by him in his above-said complaint.

ii) The Police found that friends of the complainant namely Jang Singh Li-bra, owner of Bhatti Transport and other friends namely Amrik Singh and Narinder Singh told the complainant that they were fond of fancy registration numbers for their vehicles.

iii) The complainant had deal with Amritpal Singh against Rs. 2,50,000/- (Rs. Two Lakh Fifty Thousand) for arrangement of 3 fancy registration numbers and the complainant gave Rs. 2,50,000/- to the petitioner in the presence of his friends.

iv) The petitioner gave three fancy Registration Certificates to the complainant i.e 1) No. PAX 81 for Swift Car, No. PAQ 81 for Swift car and No. PAX 9 for Cruze car. Upon verification, the Police found that the said

v) The Police found that the registration number PAX-9 was actually issued in the name of Balbir Singh, R/o Ropar, Jalandhar and registration number PAX-81 was issued in the name of Harbans Singh, R/o Jogpalpur, Jalandhar and No. PAQ-81 was registered in the name of Mohan Lal R/o Mohalla Santokhpura, Hoshiarpur Road, Jalandhar which reveals that the petitioner cheated the complainant Naresh Kumar by giving him wrong registration certificates bearing wrong registration numbers.

vi) The petitioner only returned Rs. 29,000/- out of Rs 2.50 lakhs given by the complainant to the petitioner and the petitioner gave two bank cheques bearing No's. 000003 and 000004 of Account No. 00561000247743, HDFC Bank, which is the Bank Account of Varun Gill to the complainant

amounting of Rs. 15,000/- each. However, the complainant did not return the balance amount of money to the complainant.

vii) It was found that the petitioner being Government Employee in the Transport Department had taken bribe from the complainant on the pretext of arranging fancy registration numbers for the above-said vehicles and he had also committed cheating with the complainant."

3. I have heard counsel for the parties, who has also handed over compendium on case law pertaining to the issue involved in the present case.

4. Ms. Swati Batra, DAG, Punjab, submits that this Court cannot quash the FIR under Prevention of Corruption Act, based on the compromise.

5. It remains undisputed that as on date the prosecution has found violation of Section 7A of Prevention of Corruption Act in addition to Section 420 IPC.

6. Before considering the exercise powers under Section 482 CrPC to quash the FIR, it is required that this Court would refer to the judicial pronouncements of Supreme Court in which non-compoundable offences were permitted to be compounded in exercise of such jurisdiction by the Supreme Court.

7. In ***Gian Singh vs. State of Punjab and another*** 2012(10) SCC 303, in para 57, A three judge Bench of the Hon'ble Supreme Court clarifies that offences under Prevention of Corruption Act or offence committed by a public servant while working in that capacity, cannot provide for any basis for quashing cannot be compromised.

8. In ***Narinder Singh and others vs. State of Punjab and another***, 2014(6) SCC 466, in para 31, Hon'ble Supreme Court reiterated that powers under Section 482 CrPC cannot be exercised to compound offences under Prevention of Corruption Act or the offences committed by public servants while working in that capacity merely because the matter was compromised between the victim and the offender.

9. In ***Gold Quest International Private Limited vs. State of Tamil Nadu and others***, 2014 (15) SCC 235, in para 8, Hon'ble Supreme Court reiterated that FIR cannot be quashed in Prevention of Corruption Act.

10. Outcome of the above mentioned judicial pronouncements does not entitle this Court to exercise its powers under Section 482 CrPC to quash the FIR

registered under Prevention of Corruption Act after compromising the matter with the complainant.

11. The penal offence which can be compromised under Indian Penal Code have been specified under Section 320 CrPc. In all the special acts there is specific provision for compromise i.e. Section 138 of Negotiable Instruments Act 1892 and Section 77 of Information Technology Act 2000, under which compromise can take place. Perusal of the Prevention of Corruption Act does not point out towards any provision where offences can be compromised.

12. Given above, the present petition is dismissed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

16.12.2023
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Whether speaking/reasoned: Yes
Whether reportable: **YES.**