

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

CRM-M-31644-2020 (O&M)

Date of Order: 03.10.2023

Manish Ghai and others

...Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Chanderhas Yadav, Advocate, for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Manish for Ms. Veena Hooda, Advocate,
for respondent No.2.

Avneesh Jhingan, J. (Oral)

1. The present petition is filed seeking quashing of FIR No. 305 dated 25.08.2020 registered under Sections 420, 467, 468, 471 IPC read with Section 67 of the Information and Technology Act (added later on), at Police Station Arya Nagar, District Rohtak, along with all consequential proceedings arising therefrom, on the basis of compromise dated 30.09.2020 (Annexure P.3).

2. As per the case set up, the FIR was registered at the instance of respondent No.2/complainant-Deepak Grover. It was alleged that on 11.07.2020, he received a SMS that a duplicate SIM (Subscriber Identity Module) of his mobile number, was issued and thereafter his mobile stopped working. In the evening,

it revealed that the password of his Gmail was changed and his WhatsApp stopped working. It was alleged that the accused were using his WhatsApp. The allegations are that the accused had forged the Aadhar Card of the complainant and got duplicate SIM card.

4. The FIR is at the stage of investigation. Quashing of the offences of present nature at the investigation stage itself, would definitely give a handle to the perpetrators of cyber crime(s), to go scot free and continue committing such crime unabatedly. It is not clear yet whether forgery committed by the accused would culminate in a personal dispute or an offence against the society.

5. The petitioners forged the Aadhar Card, changed the password of the Gmail account of the complainant and hacked his WhatsApp account. In this way, it cannot be ruled out that the petitioners could put the personal information of the complainant in public domain or misuse it.

7. The Hon'ble Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinghbhai Kumar and others Vs. State of Gujarat and another***, (2017) 9 SCC 641, has held that the offences of extortion, forgery and fabrication of documents, utilization of fabricated documents depriving the complainant of his interest, cannot be quashed on the basis of compromise. It was held as under:-

“16. Bearing in mind the above principles which have been laid down in the decisions of this Court, we are of the view that the High Court was justified in declining to entertain the application for quashing the First Information Report in the exercise of its inherent jurisdiction. The High Court has

adverted to two significant circumstances. Each of them has a bearing on whether the exercise of the jurisdiction under Section 482 to quash the FIR would subserve or secure the ends of justice or prevent an abuse of the process of the court. The first is that the appellants were absconding and warrants had been issued against them under section 70 of the Code of Criminal Procedure, 1973. The second is that the appellants have criminal antecedents, reflected in the chart which has been extracted in the earlier part of this judgment. The High Court adverted to the modus operandi which had been followed by the appellants in grabbing valuable parcels of land and noted that in the past as well, they were alleged to have been connected with such nefarious activities by opening bogus bank accounts. It was in this view of the matter that the High Court observed that in a case involving extortion, forgery and conspiracy where all the appellants were acting as a team, it was not in the interest of society to quash the FIR on the ground that a settlement had been arrived at with the complainant. We agree with the view of the High Court. The present case, as the allegations in the FIR would demonstrate, is not merely one involving a private dispute over a land transaction between two contesting parties. The case involves allegations of extortion, forgery and fabrication of documents, utilization of fabricated documents to effectuate transfers of title before the registering authorities and the deprivation of the complainant of his interest in land on the basis of a fabricated power of attorney. If the allegations in the FIR are construed as they stand, it is evident that they implicate serious offences having a bearing on a vital societal interest in securing the probity of titles to or interest in land. Such offences cannot be construed to be merely private or civil disputes but implicate the societal interest in prosecuting serious crime. In these circumstances, the High Court was eminently justified in declining to quash the FIR which had been registered under sections 384, 467, 468, 471, 120B and 506(2) of the Penal Code.”

8. Keeping in view the seriousness of the allegations, it would not be appropriate for this Court to exercise its jurisdiction under Section 482 Cr.P.C. for the quashing the FIR on the basis of compromise, at the investigation stage.

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9. In view of the above, finding no merit in the present petition, the same is hereby dismissed.

03.10.2023
ds

(AVNEESH JHINGAN)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No