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

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Date of decision : 23.07.2024

Ravinder Gupta

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Parveen Sharma, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Sikandh Mehta, Advocate for
Mr. Pankaj Bali, Advocate for respondent No.2.

AMARJOT BHATTI J.

1. Petitioner-Ravinder Gupta has filed instant petition under Section 482 of Cr.P.C. for quashing of FIR No.0645 dated 06.08.2022 under Sections 420, 406 of IPC, registered at Police Station Samalkha, District Panipat (Annexure P-1) and all other subsequent proceedings on the basis of Settlement Agreement/MOU dated 06.04.2023 (Annexure P-2).

2. Facts of the case are that a written complaint was filed by complainant Naresh Kumar regarding cheating of Rs.5,07,500/-. It is alleged that he made payment in the name of Aditya Birla Capital Limited in order to procure loan of Rs.30 lacs. Despite receiving huge amount no loan was sanctioned in his favour. Ultimately, he filed a complaint. During investigation, it was found that petitioner along with his daughter

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Rupali who was working in a call centre at Delhi made phone call to the complainant to defraud him and received money for procuring a loan from Punjab and Sind Bank. With these allegations present FIR was registered.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Petitioner and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Judicial Magistrate 1st Class, Samalkha (Panipat) dated 02.12.2023. Statement of respondent No.2 has been recorded, where he confirmed the compromise with petitioner. He confirmed that this compromise has been effected without any pressure, coercion from any side and he has no objection regarding quashing of FIR.

4. Petitioner – Ravinder Gupta also confirmed this fact in his separate statement. Statement of ASI Gulshan is also recorded who stated that there is one more accused namely Rupali in the present FIR. He further confirmed that accused has not been involved in any other criminal case or declared as proclaimed offender.

5. Learned counsel representing the State has filed status report, according to which till date Rupali has not been arrested by the police and her arrest warrants are being issued. Investigation in the FIR is still going on and challan has not been presented.

6. Therefore, from the report of Judicial Magistrate 1st Class, Samalkha (Panipat), it is clear that compromise has been effected between Naresh Kumar complainant and one of the accused Ravinder



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Gupta without any pressure, coercion or undue influence, which is acceptable to both the parties. Gainful reference can be made to the authority of our own High Court i.e. **Larger Bench of Five Judges 2007(3) RCR (Criminal) 1052** case titled “***Kulwinder Singh and others vs. State of Punjab and another***” where it was explained that inherent power of this Court under Section 482 cannot be limited to matrimonial cases alone and the Court has wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of Criminal Procedure Code in order to prevent abuse of law and to secure ends of justice.

In the case in hand both parties have mutually settled their dispute as a result it will end litigation started between them. Thus no purpose would be served with continuation of criminal proceedings in the case in hand.

7. Therefore considering these facts, petition filed by petitioner is accepted and FIR No.0645 dated 06.08.2022 under Sections 420, 406 of IPC, registered at Police Station Samalkha, District Panipat (Annexure P-1) and all other subsequent proceedings arising therefrom are quashed qua present petitioner Ravinder Gupta.

8. Accordingly, present petition stands accepted.

9. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

23.07.2024.

Sunil Devi

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No