



128 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-52996-2023 (O&M)
Date of Decision: 23.05.2024

Deepam Dhanda and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jagat Vir Dhindsa, Advocate,
 for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Raunaq Singh Aulakh, Advocate
for respondents No.2 to 25.

MAHABIR SINGH SINDHU. J.

CRM-22585-2024

Application under Section 482 of Code of Criminal Procedure,
1973 which is pending for 17.07.2024.

Notice of the application to the non-applicants.

On the asking of the Court, Mr. Kiran Pal Singh, AAG, Haryana,
accepts notice on behalf of respondent No.1/State.

Mr. Raunaq Singh Aulakh, Singh, appears on behalf of respondents
No.2 to 25.

Learned State counsel as well as learned counsel for private
respondents raise no objection in case the application is allowed.

In view of the above and for the reasons stated in the application,
same is allowed, as prayed for subject to all just exceptions. Main case is
preponed and taken on today's board.

**Main case**

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.573 dated 14.09.2022 under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 (for short, '*the IPC*'), at Police Station, Ladwa, District Kurukshetra **(P-1)** along with all consequential proceedings arising therefrom on the basis of compromise-deeds (P-4 to P-8) entered into between the parties i.e. petitioners as well as respondents No.2 to 25.

2. Allegations are that petitioners have cheated the *de facto* complainant(s)/victims to the tune of Rs.25-30 crore by inducing them to invest money in crypto currency.

3. This Court, while issuing notice of motion, on 06.11.2023, passed the following order:-

“Contends, inter alia, that matter has been compromised between the parties..

(2) Notice of motion.

(3) Mr. Ashok S. Chaudhry, Addl. AG, Haryana accepts notice on behalf of respondent No.1/State.

(4) Mr. Raunaq Singh Aulakh, Advocate, causes representation on behalf of respondent Nos.2 to 25 and acknowledged the factum of compromise between the parties.

(5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

(6) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.

(7) In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on 18.12.2023 for recording their statement(s) with reference to the compromise, if any, entered into between them.

(8) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?



- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?
- (vi). Whether any of the petitioner(s) is/are previous convict or not?
- (9) List before this Court on 04.01.2024 for further consideration.
- (10) Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?
- (11) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Kurukshetra and submitted two separate reports dated 02.01.2024 and 08.04.2024 as in the first instance statements of all the victims were not recorded. Vide second report, the statements of remaining victims were recorded. The operative part of report dated 08.04.2024 reads as under:-

“(i) Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?”

In compliance of the aforesaid order, complainants-Deepak Kumar, Paramjeet Singh, Sachin Kumar, Krishan, Sonu Kumar, Sanket Kumar, Parmod Kumar, Sunil Kumar and Mukesh (respondents No.2,3,5,9,12,13,14,15,16) appeared before the Court on 27.03.2024. Their statements were recorded, wherein they stated that they have compromised the matter voluntarily and now, there is no dispute between them and, therefore, FIR may be quashed. Both the appearing parties were also asked if they have entered the aforementioned compromise out of their free will and without any influence or coercion and their statements are bona fide, to which they answered in affirmative.

“(ii) Whether the compromise effected between the parties is genuine and valid?”

In compliance of the aforesaid order, complainants-respondents (respondents No.2,3,5,9,12,13,14,15,16) appeared before the Court on 27.03.2024. Their statements were recorded, wherein they stated that they have compromised the matter voluntarily and now, there is no dispute between them and, therefore, FIR may be quashed. It is submitted that the compromise effected between the parties is genuine and valid.



(iii) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

Both the accused persons are parties to the compromise as they appeared before the Court on 18.12.2023 and got recorded their joint statement with regard to the compromise. The complainants-respondents No. 2, 3, 5, 9 and 12 to 16 have appeared before the Court on 27.03.2024 and got recorded their joint statement with regard to the compromise.”

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police official present in the Court, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

7. Hon’ble the Supreme Court in **Gian Singh v. State of Punjab, (2012) 10 SCC 303**, has held as under:-

“61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental



depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

8. In view of the above, this Court is fully convinced that the offence is entirely personal in nature and does not involve public funds. Thus, quashing



of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

9. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, petitioners shall bear costs of Rs.1 lakh (Rs.50,000/- each). Costs be deposited with Punjab and Haryana High Court Employees Welfare Association, Account No. 37167209613, IFSC: SBIN0050306 maintained with State Bank of India, Punjab & Haryana High Court Branch, Chandigarh.

10. Pending application(s), if any, shall also stand disposed off.

23.05.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No