

Sr. No.142

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

CRM-M-57389-2023
Date of decision: 21st March, 2024

MANDEEP AND ORS **.....Petitioners**

versus

STATE OF HARYANA AND ANR **.....Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Dhruv Mittal, Advocate
for the petitioners.

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. Jaskaran Singh, Advocate
for respondent No.2/complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure (hereinafter referred to as “the Code”) for quashing of FIR No.423 dated 18.12.2015, under Sections 120-B, 354-B, 384, 420, 506 IPC (Sections 467, 468, 471 IPC added later on), registered at Police Station Butana, District Karnal (Annexure P-1) and subsequent proceedings arising therefrom on the basis of Panchayati Compromise dated 20.08.2023 (Annexure P-3).
2. Learned counsel for the petitioners contends that the present FIR was registered at the instance of respondent No.2 with the allegations of alluring and cheating her on the pretext of getting her a job of Junior Basic Training. However, with the intervention of the respectables of the village, the matter has now been resolved between the parties and the petitioners and respondent No.2 have executed a Panchayati Compromise dated 20.08.2023 (Annexure P-3). Further pursuing with the FIR would not be in the interest of the parties and it would be a futile exercise.

It is further contended that respondent No.2/prosecutrix does not want to take any action against the petitioners and the FIR may be quashed on the basis of the compromise.

3. While referring to the status report filed by way of affidavit of Sh. Vijay Kumar, HPS, Deputy Superintendent of Police, Women Safety, Karnal, the learned State counsel contends that the allegations levelled against the petitioners are serious in nature. During the investigation, it was found that the Marriage Certificate of petitioner No.1/accused Mandeep and Kxxxx, on which petitioner No.3 Rajesh @ Jassa and petitioner No.4 Amit had put their signatures as eyewitnesses, was forged, as such, the offence punishable under Sections 467, 468 and 471 IPC, were added during the investigation. It is further informed that after the completion of investigation, final report/challan under Section 173 of the Code was prepared against accused Mandeep, Roshni, Rajesh alias Jassa, Akwam Road, Amit Kumar and Joginder and the same was submitted before the Area Magistrate, Karnal on 17.11.2016. Charges were framed by the trial Court vide order dated 21.01.2017. The matter was fixed for 16.02.2024 before the trial Court. It is further contended that now, the marriage of respondent No.2/prosecutrix has been solemnized with Ankit @ Happy, S/o Shamsheer Singh, R/o Village Bhukhapuri, Nigdhu, District Karnal.

4. I have considered the aforesaid contentions.

5. The case was registered at the instance of the prosecutrix, who alleged that she is JBT qualified. When the victim was travelling in the bus, the petitioner No.1-Mandeep, who is a Conductor in a private bus, told her that he has good relations in the Education Department and also with many VIPs. He assured her that he would enroll her in a JBT job. On 08.07.2015, the petitioner No.1-Mandeep

No.2) and Rajesh @ Jassa (petitioner No.3) on the pretext of submitting a job application. After reaching there, petitioners No.1 to 3 told her that if she pretends to be the wife of petitioner No.1/accused-Mandeep and gets a photograph clicked with him, then the petitioner No.1 Mandeep would show the said photograph to the officers who are in touch with him. By trusting them, the prosecutrix got a photograph clicked with petitioner No.1-Mandeep. The prosecutrix was also made to sign some blank papers on the pretext of getting her a job but later on, she came to know that on the basis of the blank papers which she was made to sign, the petitioner No.1-Mandeep has filed a protection petition bearing No.22364 of 2015 in the High Court alleging that the prosecutrix had solemnized marriage with petitioner No.1-Mandeep without the consent of her parents.

6. The prosecutrix has categorically alleged in the FIR that she never got married to petitioner No.1-Mandeep and she did not file the said protection petition out of her free will.

7. As per the FIR, in the said petition, the High Court directed the Superintendent of Police, Karnal to look into the matter. The complainant/prosecutrix further alleged that she has never lived with petitioner No.1-Mandeep nor did she perform marriage with him. By blackmailing and alluring the prosecutrix with a promise to get her a job, the petitioners had obtained her signatures on a blank paper and got his photograph clicked with the prosecutrix. The petitioners have cheated the complainant/prosecutrix.

8. The prosecutrix further alleged in the FIR that the petitioner No.1/accused Mandeep also filed a civil suit against her in the Civil Court, Karnal so that she cannot get married to anyone else and he has made her life very difficult. He keeps hovering around her house the whole day. Whenever she comes out of her

alleged that on 24.09.2015, the prosecutrix and her mother were coming back to their village from Karnal and when she was standing at the bus stop situated at G.T. Road, the petitioner No.1/accused Mandeep reached there and started telling the prosecutrix that he would not allow her to get married to any other boy. He further told her that if the marriage proposal of the prosecutrix is sent to any other boy, he would show them the joint photograph of the petitioner and the prosecutrix. It is further alleged that the petitioner No.1-Mandeep is blackmailing the prosecutrix and her parents and he is openly demanding a sum of Rs.5,00,000/- to stop such acts.

9. As per the status report, the statements of various persons were recorded during investigation. On 11.01.2016, petitioner No.1-Mandeep stated during the investigation that he got married to the prosecutrix at Pracheen Pashupati Nath Shiv Mandir, Amsa Devi Complex, Sector-6, Panchkula. The statement of Sohan Lal, Pujari was also recorded during the investigation, who categorically stated that neither petitioner No.1-Mandeep and the prosecutrix are married nor the Marriage Certificate in question has been issued by the said Mandir, as such, the Marriage Certificate, which was signed by petitioner No.3-Rajesh @ Jassa and petitioner No.4-Amit, as eyewitnesses, was found to be a forged document.

10. The present petition was filed in November 2023 for quashing of the FIR on the basis of compromise. The investigation is complete and final report/challan under Section 173 Cr.P.C. has been presented before the trial Court about 06 years ago i.e. on 17.11.2016. The charges have been framed by the trial Court on 21.01.2017. The allegations levelled against the petitioners are serious in nature. Not only has the prosecutrix been misled, but there are also the allegations

protection petition before this Court. Apart from this, the petitioner No.1-Mandeep is alleged to have approached the Civil Court for issuance of an injunction against respondent No.2/prosecutrix to not get married to anybody else. Now after 06 years, the Panchayati Compromise (Annexure P-3) is alleged to have been arrived at, wherein, it is stated that petitioner No.1-Mandeep has accepted his mistake and in the presence of the entire Panchayat, he has assured the prosecutrix and her family members that he will not commit any such act in future. Responsibility of the same has been taken by the father of petitioner No.1-Mandeep Singh.

11. The Hon'ble Apex Court, in the case of "**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors Versus State of Gujarat and Anr.**"; **2017(4) R.C.R.(Criminal) 523**, has observed that in a case involving extortion, forgery and conspiracy, where all the appellants are acting as a team, it is not in the interest of the society to quash the FIR on the ground that a settlement has been arrived at with the complainant. Following observations were made by the Hon'ble Apex Court while laying down the broad principles for invoking the provisions under Section 482 of the Code:-

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15. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

- (i) Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;
- (ii) The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of section 320 of the Code of Criminal Procedure, 1973. The

power to quash under Section 482 is attracted even if the offence is non-compoundable.

(iii) In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power;

(iv) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;

(v) The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;

(vi) In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;

(vii) As distinguished from serious offences, there may be criminal cases which have overwhelming or predominant element of a civil dispute. They stand on a distinct footing in so far as the exercise of the inherent power to quash is concerned;

(viii) Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;

(ix) In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

(x) There is yet an exception to the principle set out in propositions (viii) and (ix) above. Economic offences involving the financial and economic well-being of the state have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified

in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.

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.

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12. In view of the facts and circumstances of the present case and the ratio of decision passed by the Hon’ble Apex Court in the case of ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur (supra)***, it is not a fit case to exercise jurisdiction under Section 482 of the Code for quashing of FIR on the basis of compromise.

13. In case, the extraordinary jurisdiction under Section 482 of the Code is exercised in such cases, it would give a wrong signal to the society that after lapse of time, one can get away even if some such documents are forged, which are having material impact on one’s personal life, like a marriage certificate. Such is not the intent of Section 482 of the Code. Consequently, the present petition stands dismissed.

14. All the pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

21st March, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No