

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

328

CRM-M-223-2025
Date of decision: 16.07.2025

RAJESH KUMAR AND ANRPetitioners

Versus

STATE OF HARYANA AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Sourabh Sheoran, Advocate for the petitioner.
Mr. Pawan Kumar Jhanda, DAG, Haryana.
Mr. Rajat Sheokand, Advocate for respondent No.2.

SANJAY VASHISTH. J.(Oral)

1. Instant petition has been filed under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), seeking quashing of the below detailed First Information Report (FIR), and all the consequential proceedings arising therefrom, on the basis of the compromise dated 07.09.2024 (Annexure P-2), effected between the parties.

2. In the instant compromise quashing petition, on 05.03.2025, following order was passed:-

1. Instant petition has been filed under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), seeking quashing of the below detailed First Information Report (FIR), and all the consequential proceedings arising therefrom, on the basis of the compromise dated 07.09.2024 (Annexure P-2), effected between the parties.

DETAILS OF CRIMINAL CASE:-

FIR No.	Date	Section(s)	Police Station	District
159	31.03.2021	406, 420, 120-B, and	Azad Nagar	Hisar

		Section 3 of Haryana Protection of interest of Depositors in Financial Establishment Act, 2013		
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2. *Vide order dated 09.01.2025, the affected parties were directed to appear before the learned Trial Court/Illaq Magistrate, for getting their respective statements recorded with regard to the compromise. The Trial Court/Illaq Magistrate was to submit a report in this regard giving certain details as enumerated in the said order.*
3. *After recording of the statements, report received from Court of learned District and Sessions Judge, Hisar, reads as under:-*

“Report

In compliance to order dated 09.01.2025 passed by the Hon'ble Punjab and Haryana High Court, in case titled "Rajesh Kumar & other Vs. State of Haryana & other" in CRM-M No. 223 of 2025, statements of complainant Surender s/o Sh.Inder Singh, witness/affected persons Rajnish s/o Sh.Mange Ram, Rakesh s/o Sh.Inder Singh, Rakesh s/o Sh.Mange Ram; accused Manoj Kumar & Rajesh Kumar, Investigating Officers namely HC Rohtash Kumar No.1337/HSR, ASI Sandeep Kumar No.1421/HSR, SI (retired) Phool Kumar, SI Krishan Kumar No.517/H, SI Vinod Kumar No.1584/HSR and DSP (retired) Ashok Kumar, have been recorded. As per the directions of the Hon'ble High Court, the point-wise information as desired is as under:-

1. *Complainant Surender s/o Sh.Inder Singh had moved a complaint against four accused namely, Vikram s/o Sh.Umed Singh, Rakesh Kumar s/o Sh.Inder Singh, Rajesh Kumar and Manoj Kumar. After investigation, police charge-sheeted two accused persons namely Rajesh Kumar and Manoj Kumar since accused Rakesh s/o Sh.Inder Singh and Vikram s/o Sh.Umed Singh were declared innocent by the investigating agency. Later on, accused Rakesh s/o Sh.Inder Singh was arrayed as a prosecution witness. During investigation, police also received complaint from similarly affected person namely Rajneesh son of Mange Ram and he was also arrayed as a witness in the present case.*
2. *The complainant Surender has mentioned in the complaint that he invested his own money and money of*



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Rakesh s/o Sh.Mange Ram, Jeet Ram, Mandeep, Saroj Nanwal, Renu Devi, Manoj, Atma Ram, Thandi Ram R/o Sunder Nagar, Fatehabad, Sunita Devi w/o Ram Lal, R/o village Baye, Tehsil Tara Nagar, District Churu. Out of the aforesaid persons, complainant Surrender, witness/affected person Rajnish and Rakesh s/o Sh.Mange Ram have made their statements before this Court regarding compromise with the accused Rajesh Kumar and Manoj Kumar. However, Rakesh s/o Sh.Inder Singh (who were originally arrayed as accused) has made a statement that he has not entered into any compromise with the accused persons. (Statement of Rakesh son of Mange Ram has been recorded on VC and he has been identified by learned counsel for the complainant and Mr. Pawan Shahrawat, Advocate)

3. Nevertheless, the complainant Surrender had mentioned the names of the persons i.e. Jeet Ram, Mandeep, Saroj Nanwal, Renu Devi, Manoj, Atma Ram, Thandi Ram R/o Sunder Nagar, Fatehabad, Sunita Devi w/o Ram Lal, R/o village Baye, Tehsil Tara Nagar, District Churu) whose money he allegedly invested, but they were not joined in the investigation by any of the Investigating Officers. Investigating Officers namely HC Rohtash Kumar No.1337/HSR, ASI Sandeep Kumar No.1421/HSR, SI Krishan Kumar No.517/H, SI Vinod Kumar No.1584/HSR and DSP (retired) Ashok Kumar have stated that complainant Surrender had invested money in the names of aforesaid persons, but they could not be joined in the investigation since complainant Surrender did not provide their addresses.

4. Accused Rajesh and Manoj Kumar have also suffered their statements that they have compromise the matter with complainant without any threat, inducement or coercion from any side. They have also requested that the FIR may be quashed.

*5. In view of the statements of the complainant Surrender, affected person Rajnish and affected person Rakesh and upon Court questioning from them, this Court is satisfied that they have compromised the matter voluntarily. **However, Rakesh son of Inder Singh (who was earlier arrayed as an accused) has not compromised the matter with any of the accused.***

6. All the aforesaid IO's have made statements that no accused has been declared as proclaimed offender in the present case.

Submitted please.

*Dr. Gagandeep Mittal
Additional Sessions Judge, Hisar
UID NO. HR00203
05.02.2025”*



4. *From the report, it is clear that there are other victims also namely (1) Rakesh s/o Sh.Mange Ram, (2) Jeet Ram, (3) Mandeep, (4) Saroj Nanwal, (5) Renu Devi, (6) Manoj, (7) Atma Ram, (8) Thandi Ram R/o Sunder Nagar, Fatehabad, and (9) Sunita Devi w/o Ram Lal, r/o village Baye, Tehsil Tara Nagar, District Churu.*

5. *Counsel for the petitioners seeks an adjournment.*

6. *On request, adjourned to 29.04.2025.*

3. No effort has been made by the petitioner to implead the victims, who are mentioned in para No.4 of the order dated 05.03.2025, as respondents/party to the quashing petition.

4. Learned counsel for the petitioners prays for withdrawal of the present petition with liberty to file afresh, as and when a new cause of action arises, and also by impleading all affected persons/victims as party to the petition.

5. Dismissed as withdrawn with the liberty as sought and recorded hereabove.

16.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

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