

2025:PHHC:021324



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

**CRM-M-12105-2018
DECIDED ON: 04.02.2025**

HARDEV SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kapil Aggarwal, Amicus Curiae,
for the petitioner.

Mr. S.S. Pannu, Addl. AG, Haryana.

None for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. seeking quashing of the impugned order dated 29.11.2017 (Annexure P-5) passed by learned Additional Sessions Judge, Sirsa vide which the petitioner has been summoned to face trial for the offences punishable under Sections 420, 467, 471 and 120-B IPC along-with all subsequent proceedings arising therefrom.

2. Facts

The brief facts of the present case are as follows:

The complainant, Sukhdeep Singh, came into contact with the accused, Hardev Singh, who had recently returned from the UAE after a two-year stay. The accused assured the complainant that he would arrange a passport and visa for the complainant to travel to the UAE. On this pretext, the accused, Hardev Singh, along with co-accused Kasir Jahan @ Munni Baje, collected a total amount of Rs. 1,46,000/- from the complainant on different occasions. The complainant was then summoned to Delhi under the false pretext of facilitating his journey to the UAE. However, upon reaching Delhi, the accused, Hardev Singh, left the complainant stranded at a hotel and fled. After paying the hotel charges, the complainant returned to his home and filed a complaint with the police. Based on his application under Section 156(3) of the Cr.P.C., FIR No. 141 dated 31.10.2008 was registered under Sections 420, 467, and 468 of the Indian Penal Code.

During the investigation of the case, a compromise was recorded, and the accused, Hardev Singh, acknowledged his liability and promised to repay the complainant the amount taken. In light of the compromise, the police filed a cancellation report. However, despite the submission of the cancellation report, the accused failed to repay the amount as promised. Consequently, the complainant filed a protest petition, which was treated as a criminal complaint, and the complainant was directed to lead pre-summoning evidence. The complainant testified as CW1, reiterating the same facts. After considering the statements and allegations, the learned trial court dismissed the complaint, as reflected in the impugned order. The complainant, being aggrieved by the dismissal, filed the revision petition, which was allowed vide impugned order dated 29.11.2017 and the accused-

Hardev Singh has been summoned to face trial for the offences punishable under Sections 420, 467, 471 and 120-B IPC.

3. **Submissions**

On behalf of petitioner:-

The primarily argument of the learned Amicus Curiae is that the police, after investigating the matter, filed a cancellation report, meaning thereby, that during the investigation, the authorities concluded there was no sufficient evidence to continue with the case or to prosecute the petitioner further. Consequently, the petitioner was treated as innocent by the police. Learned Amicus Curiae also contends that the original complaint filed by the complainant was treated as a complaint case rather than a formal criminal case. It is asserted that there was an agreement between the accused-petitioner and the complainant. The complainant sought the petitioner's services to help him secure a visa to travel abroad, and the petitioner successfully procured the visa. However, the complainant did not follow through with the trip because he was allegedly a drug addict, and as a result, failed to go abroad. The argument is that the petitioner fulfilled his contractual obligation and should not be held liable for the complainant's failure to travel. Further argument is that he cannot be prosecuted multiple times for the same set of allegations.

On behalf of respondent-State

Learned State counsel argues that the petitioner cheated the complainant by taking money under the pretext of procuring a visa to the UAE. The complainant alleges that the petitioner intentionally misled him and committed fraud. Learned State counsel highlights that during the

investigation, the petitioner admitted his guilt. The petitioner not only admitted his wrongdoing but also promised to return the money he took from the complainant, meaning thereby, the petitioner admitted his fault and tried to make amends by offering a refund. Moreover, despite the cancellation report filed by the police, the complainant filed a protest petition alleging that the petitioner had not returned the money, even after admitting his liability. The preliminary evidence presented by the complainant suggests that the petitioner may have had deceitful intentions, despite his initial admission.

Heard learned counsel for the respective parties.

4. Analysis & Conclusion

In this case, a compromise was reached based on the accused's admission of guilt. Legally, a compromise refers to an agreement or settlement between the parties, often aimed at resolving the matter outside of formal court proceedings. The accused acknowledged their guilt regarding the allegations made by the complainant, which raises concerns about whether the terms of the compromise have been genuinely implemented. The admission of guilt typically signifies an acknowledgment of the truth of the allegations. However, despite the compromise and the accused's admission, the complainant claims that the accused has not refunded any money. This suggests that the accused has not fully adhered to the terms of the compromise, casting doubt on the situation.

Given the accused's admission of guilt and the complainant's ongoing allegations of non-payment, there appears to be sufficient grounds to summon the accused for further proceedings. Hence, this Court is of the

considered view that there is no illegality or arbitrariness in the impugned order dated 29.11.2017 (Annexure P-5). Accordingly, the same is affirmed.

Dismissed.

Pending criminal misc. Application, if any also stands disposed off.

04.02.2025
Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No