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

205

CRM M-14172-2025 (O&M)
Date of Decision:31.07.2025

Pankaj and others ...Petitioners

Versus

State of Haryana and another ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Hitesh Verma, Advocate
for the petitioners.

Mr. Parmod Kumar, AAG, Haryana.

Ms. Rajvinder Kaur, Advocate for
Mr. Amrinder Kaur, Advocate, for respondent No. 2.

N.S.SHEKHAWAT, J.

1. The petitioners have filed the present petition under Section 482 Cr.P.C. with a prayer to quash the FIR No. 8 dated 03.06.2022 under Sections 419, 420, 467, 468 and 471 and Sections 66-C and 66-D of IT Act 2000 registered at Police State Cyber Crime, Police Station Karnal, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise dated 22.03.2023 (Annexure P-2).

2. The FIR in the present case has been registered on the basis of the statement made by Ravi Kumar and the same has been reproduced below:-

> *"To The SHO, Cyber Crime, Karnal. Sub: Fraud regarding SBI card. Sir, it is requested that I have two SBI Cards having number 5172526826394756 in which fraud of Rs.49,490/- at 5:01 p.m. on 20.1.21 & another card No. 4611199397134597 in which fraud of Rs.28,785/- at 5:02 pm on 20.01.21 was done. Both the transactions were on Housing.com. I received call from No. 18601801290 & talked to me pretending to be bank officer. Without giving any details fraud was done from my card. 919063909-70949, 916389547101, both these numbers are also included in fraud. Till now I have been approaching the bank, but no solution was done. Kindly further action be taken. I shall be thankful. Sd- Ravi Kumar s/o Ashok Kumar r/o Assandh District Karnal 1320399729261096".*

3. Learned counsel for the petitioners contends that a monetary dispute arose between the parties, which led to registration of the FIR. However, now with the intervention of the respectables, the parties have entered into a compromise and a family compromise deed dated 22.03.2023 (Annexure P-2) was scribed between the parties. He further contends that since the parties have amicably resolved all their disputes, the continuation of the FIR and all subsequent proceedings arising therefrom will be the abuse of the process of the Court.

4. On the other hand, learned State counsel has opposed the submissions made by the petitioners on the ground that it was a case of Cyber fraud by the petitioners not only with respondent No. 2, but

several other persons might have fallen prey to the petitioners. By no stretch of imagination, it can be considered as a private dispute between two individuals and since the society at large is generally effected by such crimes, the petition is liable to be dismissed by this Court.

5. On the other hand, learned counsel appearing on behalf of respondent No. 2 also submits that he has no objection in case the present FIR is ordered to be quashed by this Court on the basis of the compromise.

6. I have heard learned counsel for the parties and perused the record.

7. The Hon'ble Supreme Court has held in the matter of ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Vs. State of Gujarat and another, 2017(4) R.C.R. (Criminal) 523 and 2017 AIR Supreme Court 4843*** as follows:-

> *"11 In Narinder Singh (supra), Dr Justice A K Sikri, speaking for a bench of two learned Judges of this Court observed that in respect of offences against society, it is the duty of the state to punish the offender. In consequence, deterrence provides a rationale for punishing the offender. Hence, even when there is a settlement, the view of the offender and victim will not prevail since it is in the interest of society that the offender should be punished to deter others from committing a similar crime. On the other hand, there may be offences falling in the category where the*

correctional objective of criminal law would have to be given more weightage than the theory of deterrence. In such a case, the court may be of the opinion that a settlement between the parties would lead to better relations between them and would resolve a festering private dispute. The court observed that the timing of a settlement is of significance in determining whether the jurisdiction under Section 482 should be exercised:

"29.7…Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits…"

This Court held, while dealing with an offence under Section 307 of the Penal Code that the following circumstances had weighed with it in quashing the First Information Report:

"33. We have gone through the FIR as well which was recorded on the basis of statement of the complainant/victim. It gives an indication that the complainant was attacked allegedly by the accused persons because of some previous dispute between the parties, though nature of dispute etc. is not stated in detail. However, a very pertinent statement appears on record viz., "respectable persons have been trying for a compromise up till now, which could not be finalized". This becomes an important aspect. It appears that there have been some disputes which led to the aforesaid purported attack by the accused on the complainant. In this context when we find that the elders of the village, including Sarpanch, intervened in the matter and the parties have not only buried their hatchet but have decided to live peacefully in future, this becomes an important consideration. The evidence is yet to be led in the Court. It has not even started. In view of compromise between parties, there is a minimal chance of the witnesses coming forward in support of the prosecution case. Even though nature of injuries can still be established by producing the doctor as witness who conducted medical examination, it may become difficult to prove as to who caused these injuries. The chances of conviction, therefore, appear to be remote. It would, therefore, be unnecessary to drag these proceedings..."

12 In ***State of Maharashtra v Vikram Anantrai Doshi, 2014(4) RCR (Criminal) 381; 2014(4) Recent Apex Judgment (R.A.J.) 382: (2014) 15 SCC 29,*** *a bench of two learned Judges of this Court explained the earlier* *decisions and the principles which must govern in deciding whether a criminal proceeding involving a non-compoundable offence should be quashed. In that case, the respondents were alleged to have obtained Letters of Credit from a bank in favour of fictitious entities. The charge-sheet involved offences under Sections 406, 420, 467, 468, and 471 read with Section 120-B of the Penal Code. Bogus beneficiary companies were alleged to have got them discounted by attaching fabricated bills. Mr. Justice Dipak Misra (as the learned Chief Justice then was) emphasised that the case involved an allegation of forgery; hence the court was not dealing with a simple case where "the accused had borrowed money from a bank, to divert it elsewhere". The court held that the manner in which Letters of Credit were issued and funds were siphoned off had a foundation in criminal law:*

"… availing of money from a nationalized bank in the manner, as alleged by the investigating agency, vividly exposits fiscal impurity and, in a way, financial fraud. The modus operandi as narrated in the chargesheet cannot be put in the compartment of an individual or personal wrong. It is a social wrong and it has immense societal impact. It is an accepted principle of handling of finance that whenever there is manipulation and cleverly conceived contrivance to avail of these kind of benefits it cannot be regarded as a case having overwhelmingly and predominatingly of civil character. The ultimate victim is the collective. It creates a hazard in the financial interest of the society. The gravity of the

offence creates a dent in the economic spine of the nation."

The judgment of the High Court quashing the criminal proceedings was hence set aside by this Court".

8. Still further, the Hon'ble Delhi High Court has held in W.P. (CRL.) 685 of 2023 titled as "***Achal Rana Vs. Govt. of NCT of Delhi and another",*** as follows:-

*"11. In **Madan Mohan Abbot v. State of Punjab (2008) 4 SCC 582,** it was observed by the Hon'ble Apex Court, while quashing an FIR registered inter alia under Section 406 of IPC, that Courts can quash an FIR on the basis of settlement where the disputes are purely personal nature and do not affect the society at large. The relevant observations read as under:*

"6. We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law."

(Emphasis supplied)

12. Learned counsel for petitioner had also argued that the FIR in question pertains only to an offence under

Section 420 of IPC and since the dispute between two private persons has been settled, the FIR ought to be quashed. In this regard, this Court takes note of the observations of Hon'ble Apex Court in case of ***Parbatbhai Aahir v. State of Gujarat (2017) 9 SCC 641,*** *where while laying down principles for quashing of FIR in cases of settlement, following principles, relevant for the adjudication of present case, were also laid down:*

"16.8. 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.

16.9. 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

16.10. There is yet an exception to the principle set out in propositions16.8. and 16.9. 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…"

(Emphasis supplied)

15. A bare reading of the FIR, details of which have already been discussed in the preceding paragraphs, *prima facie reveals commission of cyber-crime/cyber-fraud whereby the amount was surreptitiously debited from the bank account of complainant while he was having a conversation with an individual presenting himself as a customer care executive, who had called the complainant from a mobile number. It remains undisputed that the said sum which had got debited from the complainant's bank account in Delhi had found its way into a bank account held by the petitioner in Ahmedabad, Gujarat. It is also not the case of either party that they were known to each other in past or that there was any history of previous transactions between them.*

16. In today's digital era, cyber-crimes are proliferating at an alarming rate, leaving a trail of victims in their wake. Neither are cyber- criminals bound by restrictions of borders due to their global reach, nor do they discriminate among their victims, thereby targeting the elderly, the young, the businesses as well as the governments in the digital landscape. The consequences of cyber-crimes go beyond individual boundaries, impacting numerous unsuspecting victims. As brought to the knowledge of this Court during the course of arguments, the investigation so far has revealed that huge amount of money, totalling Rs. 28.17 crores has been credited to the bank account of present petitioner and it is to be investigated whether this amount also has been obtained through such illegal and fraudulent means and whether there are other victims of such cyber-fraud. The gravity of such allegations cannot be undermined, as they not only jeopardize the financial security and *trust of individuals on financial payment gateways/platforms, but also potentially expose the broader public to similar threats".*

9. In the present case also, it is apparent that the matter was investigated by the police and sufficient incriminating evidence has been collected by the police to show the involvement of the petitioners in the crime. No doubt, the parties have entered into a compromise in the present case, however, it becomes very clear from the FIR that the case extends beyond the realm of more private dispute between certain individuals. Rather from the facts, as enumerated in the FIR, it is apparent that the petitioners were involved in a Cyber fraud and there is a possibility that more and more victims had fallen prey to such Cyber fraudsters. Thus, keeping in view the law laid down by the Hon'ble Apex Court as well as the above said discussion, it would not be appropriate to quash the FIR (Annexure P-1), even on the basis of the compromise. Finding, no merits in the present petition, the same is ordered to be dismissed.

10. All pending applications, if any, are disposed off, accordingly.

31.07.2025 **(N.S.SHEKHAWAT)**
amit rana **JUDGE**