

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

261

2025:PHHC:177565



CRM-M-27830-2024 (O&M)
Date of decision: 18.12.2025.

MANJU BALA & ANR.

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- None

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition under Section 482 of the Criminal Procedure Code, 1973 is for quashing of FIR No.144 dated 17.08.2019 under Sections 420, 34 of the Indian Penal Code, 1860 (Section 465, 467, 468, 471, 120B of IPC added later on and Section 34 of IPC deleted later on) registered at Police Station Barnala, District Barnala along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 09.05.2024 (Annexure P-2).

2 A perusal of the petition indicates that the instant FIR was registered on the complaint of Harjit Kaur, daughter of Darshan Singh, wife of Karnail Singh, resident of Jodhpur, Tehsil and District Barnala, who stated that she and her family were approached through relatives at village Kutba by one Mohammad Ansari, resident of Ward No. 8, Radha Swami Street, Barnala. The said Mohammad Ansari represented that he could arrange the complainant's migration to Canada in consideration of a sum of ₹35,00,000/-. Initially, the complainant expressed her inability to pay the said amount and discontinued discussions. Thereafter, Mohammad Ansari procured her contact details through relatives and, along with Dharamvir, son of Malkeet Rai, resident of Ward No. 10, Gaj Singh Pura, Tehsil Padampur, District Sri Ganganagar, visited the complainant's residence and reiterated the assurance, inducing her with promises of employment and settlement abroad. It was represented that the visa would be arranged first and the payments would be taken thereafter. Subsequently, the complainant was asked to make an initial payment of ₹11,80,000/-. On 04.10.2018, Mohammad Ansari and Dharamvir visited the complainant's village, displayed a visa and thereafter took the same with them, assuring that the complainant would be sent to Canada by 15.02.2019. Believing the representations to be genuine, the complainant and her family made multiple payments at the instance and behest of Mohammad Ansari and his associates. On 11.10.2018, the complainant's father, Darshan Singh, transferred ₹10,00,000/- from his account to the account of Rajinder Sandhu Sethi, stated to be residing abroad. On 29.10.2018, an amount of ₹2,00,000/- was transferred from the account of the complainant's uncle to the account of Mohammad Ansari. On 23.10.2018,

additional cash amounts were delivered to Ansari through intermediaries at a hotel in Longowal. Further transfers included ₹2,00,000/- on 24.01.2019 to the account of Manju Bala, wife of Dharamvir and ₹4,70,000/- on 23.01.2019 and ₹4,00,000/- on 28.10.2019 to the account of Dharamvir, aggregating to approximately ₹35,00,000/-, besides amounts taken towards ticketing. It is further stated that a visa and ticket dated 15.02.2019 were shown to the complainant. Upon verification by acquaintances, the complainant was informed that the visa and ticket appeared to be fake. When confronted, the accused repeatedly asserted that the documents were genuine and continued to assure imminent departure. Despite repeated demands, the money was not returned. The complaint stated that thereafter the accused began issuing threats, asserting that no action could be taken against them and warning of dire consequences if demands were persisted with. Moreover, Mohammad Ansari threatened self-harm and sought to falsely implicate the complainant in the event of any such act. The complainant asserts that due to the aforesaid acts, her family's financial condition has been rendered precarious, with no viable source of income left and that her father has suffered severe health complications owing to stress and anxiety. Apprehending danger to their life and liberty and alleging cheating, criminal intimidation and conspiracy, the complainant sought immediate legal action against the accused persons, restraint on their travel abroad, recovery of the cheated amount and protection to her and her family.

3 With the intervention of the respectables of both the sides, the matter was mutually resolved and the settlement was arrived at on 09.05.2024, voluntarily and without any coercion, pressure or undue influence. The

present petition was thereafter filed.

4 The parties were directed to appear before the learned trial Court/Illaqa Magistrate vide order dated 30.05.2024 of this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

5 Pursuant to the said order, a report has been received from the Chief Judicial Magistrate, Barnala, vide Memo No.1750 dated 13.11.2024. The relevant extract of the report is reproduced as under:-

1	<i>Number of persons arrayed accused in the FIR;</i>	<i>In the present FIR, six persons namely Dharamveer, Manju Bala, Chetan Sharma, Rajindra Sadhu Sethi, Mohammad Manjoor Ansari and Mohammad Yasin alias Cheena were arrayed as accused.</i>
2	<i>Whether any accused is proclaimed offender;</i>	<i>As per SI Gurnam Singh, accused Manju Bala and Dharamveer have been declared Proclaimed Offenders vide order dated 15.04.2021 passed by Sh. Vineet Kumar Narang, the then ACJM, Barnala, however, on 23.04.2024 they were arrested in this case and challan was presented against them. They are on bail now.</i> <i>Proceedings qua accused Chetan Sharma were quashed by Hon'ble High Court in CRM-M-28780-2023.</i>

		<i>No other accused has been declared Proclaimed Offender till date.</i>
3	<i>Whether the compromise is genuine, without voluntary any coercion undue influence; and or</i>	<i>Yes.</i>
4	<i>Whether the accused persons are involved in any other FIR or not; and</i>	<i>As per information provided by ASI Gurnam Singh, none of the accused is involved in any other case.</i>
5	<i>The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court.</i>	<i>Yes</i>
6	<i>How many victims/complainants are there in the FIR and all the victim complainant as well as accused are party to the compromise in question.</i>	<i>As per statement of ASI Gurnam Singh, the present case was registered on the statement of complainant Harpreet Kaur and she is the only victim in the present case.</i> <i>It is apposite to mention here that name of complainant in petition filed before Hon'ble High Court has been wrongly mentioned as Harjit Kaur daughter of Darshan Singh whereas her actual name id Harpreet Kaur daughter of Darshan Singh. She has also produced on record copy of her Aadhar Card and same is being annexed for kind perusal.</i>

6 The broad principles for exercising the powers under Section 482, Cr.P.C (now Section 528 BNSS) were summarized by the Hon'ble Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641'. The relevant paragraphs are extracted as under:

16.1. 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.

16.2. 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 noncompoundable.

16.3. 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.

16.4. 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.

16.5. 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.

16.6. 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.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

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 propositions 16.8. 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.”

7 The Hon'ble Supreme Court has held in the matter of '**Ramgopal And Another Vs State of Madhya Pradesh, 2021 SCC Online SC 834**', that the matters which can be categorized as personal in nature or in the matter in which the nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.

8 In the present case, the proceedings arising out of the FIR have either already been brought to an end in respect of certain accused or have not progressed to the stage of custodial detention in respect of others. As is evident from the statement of the complainant Harpreet Kaur, appended to the report submitted by the learned Chief Judicial Magistrate, Barnala, the FIR in question was initially registered against four accused persons, namely Dharamveer, Manju Bala, Chetan Sharma and Rajinder Sidhu. Insofar as accused Chetan Sharma is concerned, the proceedings qua him already stood quashed vide order dated 11.10.2023 passed in CRM-M-28780-2023. It is specifically stated that she would have no objection to the FIR and all the proceedings being quashed. To permit the prosecution to linger solely against them, despite the settlement arrived at between the parties would amount to an unjustified prolongation of criminal litigation which would neither advance the cause of justice nor serve any overriding public interest. On the contrary, it would result in unnecessary harassment of the petitioners and an avoidable burden on the criminal justice system bearing in mind that there appears to be

no chances of conviction.

9 The following relevant factors emerge from perusal of the case as well as the subsequent developments supplementing a case for invocation of the powers under Section 528 BNSS:-

(i) The dispute in the present case arises out of a private transaction between the complainant and the accused, relating to assurances of facilitating a visa. Neither does the dispute partake the character of an offence against the State or society at large nor does it involve elements of violence, terrorism, organised crime or systemic fraud having wide public ramifications.

(ii) The petitioners are in their mid-30s and early 40s and continued criminal proceedings would have serious repercussions on the discharge of their social obligations.

(iii) The parties have amicably settled the dispute and in such a scenario, the likelihood of the complainant supporting the prosecution case is minimal, rendering the continuation of criminal proceedings a mere formality devoid of any realistic prospect of conviction.

(iv) The object of criminal law is to secure justice, and not to perpetuate punishment where the ends of justice would be better served by closure of the dispute.

(v) Continuation of proceedings would not only entail prolonged trial and unnecessary expenditure of judicial time, but would also cause mental, social and professional hardship to the accused and defeat the very purpose of achieving restorative justice.

10 In view of the report of the Chief Judicial Magistrate Barnala, and the principles laid down by the Apex Court in '*Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another*' (2017) 9 SCC 641', the instant petition is allowed. FIR No.144 dated 17.08.2019 under Sections 420, 34 of the Indian Penal Code, 1860 (Section 465, 467, 468, 471, 120B of IPC added later on and Section 34 of IPC deleted later on) registered at Police Station Barnala, District Barnala, along with all subsequent proceedings arising therefrom, are hereby quashed on the basis of compromise/affidavit dated 09.05.2024 (Annexure P-2) entered between the parties.

11 Petition is allowed in above terms.

December 18, 2025.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No