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

**CRM-M-29839-2023 (O&M)
Date of decision : 24.02.2025**

Tanisha Singh @ ITI Singh and another

... Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Varun Garg, Advocate for
Mr. Pardhuman Garg, Advocate,
for the petitioners.

Mr. Kiranpal Singh, AAG, Haryana.

Mr. Ashish Gupta, Advocate,
for respondent No.2.

None for respondent No.3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973, praying for quashing of FIR No.0043 dated 13.02.2021 (P-1), under Sections 10 & 24 of the Emigration Act, 1983, and Sections 120-B, 406 and 420 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Uchana, District Jind, Haryana, along with all consequential proceedings arising therefrom on the basis of compromise dated 16.12.2022 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 and 3, *qua* the petitioners.

2. Allegations are that petitioners duped the complainant(s) on the pretext of sending them abroad and usurped a sum of Rs.16,20,000/-; he neither sent the complainant(s); nor returned the amount.



3. Contends that the parties i.e. petitioners as well as respondent Nos.2 and 3 have amicably settled the matter.

4. Learned counsel for respondent No.2 has duly acknowledged the factum of compromise of petitioners and respondent No.2.

5. However, there is no representation on behalf of respondent No.3.

6. Learned State Counsel, on instructions, has apprised the Court that there is another co-accused, namely, Deepak Bopase; but he has not been arrayed as petitioner; nor there is any compromise with him. He also apprised the Court that there is one more victim, namely, Ajay (respondent No.3 herein) and compromise has not been effected with him.

7. Heard learned counsel for the parties and perused the paper book.

8. It is a partial quashing petition. However, Division Bench of this Court in **CRM-M No.48043 of 2023** titled as **Rakesh Dass Vs. State of Haryana and another**, decided on 12.11.2024 held that petition for partial quashing is not maintainable. Relevant paragraph from the said judgment is reproduced hereunder:-

“26. In sequel, when therebys the learned trial Judge concerned, may be led to pronounce a verdict of acquittal, viz-a-viz those, who remain omitted to be mentioned in the piecemeal order of composition, as made post a piecemeal settlement, becoming recorded amongst the concerned. In consequence, besides naturally havoc would be caused not only to the criminal administration system, but also to the trite underpinning thereof, that no damage accrues to the moral conscience of the society nor the moral conscience of the society becoming shaken. It is but to avoid the above illcasualities or the ill-situations (supra), that the Hon’ble



Supreme Court, has in the verdicts (supra), thus has made supra guidelines, whereby but obviously there is a requirement of exercisings of self-restraint by the High Courts, in receiving piecemeal settlements, and, also subsequently in making piecemeal orders of composition. Reiteratedly, the ill effects of receivings of such piecemeal settlements and also the makings of consequent thereto piecemeal orders of composition, thus naturally would be the above. In sequel, issue No. 1 is answered accordingly.

27. In some situations, as stated (supra), the victim may attempt to be the driver of the criminal justice system, but to ensure that the victim/complainant, does not become the driver of the criminal justice system, through makings of piecemeal settlements, thereupons the Courts are required to be not accepting any piecemeal settlements, rather are required to be rejecting piecemeal settlements, nor they are required to be making piecemeal orders for the composition of offence. Issue No. 2 is answered accordingly.”

9. In view of the above, there is no option, except to dismiss the petition, “at this stage”.
10. Ordered accordingly.
11. It is clarified that above observations be not construed as an expression of opinion on merits of the allegations levelled in the FIR (supra).

Pending application(s), if any, shall also stand disposed off.

24.02.2025
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes / No

Whether reportable : Yes / No