



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270

CRM-M-16990-2025
Date of decision: 12.02.2026

JAI RAM AND OTHERSPetitioners

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

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

Present: - Mr. Nikhil Batta, Advocate
for the petitioners.
(Through Video Conferencing).

Mr. Saurav Verma, Addl. A.G. Punjab.

Mr. Vikram K. Bishnoi, Advocate
for respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.31 dated 27.04.2023 under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professional Regulation Act, 2012 registered at Police Station City Samana, District Patiala along with all subsequent proceedings arising therefrom on the basis of compromise dated 03.08.2024 (Annexure P-2).

2. The present FIR was registered on the statement of Chandu

Ram son of Sadhu Ram r/o Dera Gajisalar. He alleged that Balveer Singh and his associates cheated him and others by collecting approximately ₹2,30,000 per person on the pretext of arranging work permits and sending them to Turkey, however, instead of Turkey they were sent to Kurdistan and the amount collected was not returned. Despite repeated representations, no timely action was initially taken. Upon inquiry conducted by the Economic Offences Wing, Patiala, it was found that amounts were deposited in the bank accounts of the accused and no evidence of refund was produced by them. Accordingly, The Investigating Officer recommended registration of a case under Sections 406, 420, and 120-B IPC, with the addition of Section 13 of the Punjab Travel Professionals Regulation Act, 2012 if applicable. Consequently, the SSP Patiala ordered registration of an FIR against Balveer Singh and his associates, and the matter was handed over to Police Station City Samana for further investigation vide DDR No. 29 dated 27.04.2023.

3. It is however averred that with the intervention of the respectables from both sides, the matter has now been settled and amicably resolved. It is further submitted that the compromise amongst the parties was effected on account of free will and without any pressure and coercion.

4. Pursuant to the orders dated 28.03.2025, 27.05.2025 and 04.08.2025 a report has been received from the Sub Divisional Judicial Magistrate, Samana vide Memo No. 150 dated 29.07.2025 and vide Memo No. 644 dated 19.09.2025. The relevant extract of the report reads thus:-

“ii) No accused has been declared as Proclaimed Offender;

iii) The present case is at the stage of awaiting challan/final report,

iv) Compromise between the appearing parties except Naresh

Kumar is valid and genuine and it is voluntarily effected between the appearing parties with their free will and without any pressure, threat, coercion or undue influence from any quarter;

v) Accused are not involved in any other case nor any other FIR is registered against them

It is respectfully submitted that in pursuance to orders dated 28.03.2025, 27.05.2025 & 04.08.2025 passed by the Hon'ble High Court in CRM-M-16990-2025, statements of aggrieved person namely Naresh Kumar with regard to compromise were recorded through Video Conferencing. As per statement of aggrieved person Naresh Kumar, the compromise is voluntarily effected between the parties with their free will and without any pressure, threat, coercion or undue influence from any quarter.

It is further respectfully submitted that after recording the statements made by complainant Chandu Ram, aggrieved person Manak Ram and accused persons namely Jai Ram, Gurbachan Singh and Balbir Singh and investigating officer ASI Gurbax Singh, report has already been sent as desired by the Hon'ble High Court. Now this report along with copy of statement of aggrieved person namely Naresh Kumar is submitted as desired by the Hon'ble High Court vide its orders dated 28.03.2025, 27.05.2025 & 04.08.2025.”

5. Learned State counsel does not dispute the factum of the compromise amongst the parties and does not have any serious objection to the resolution of the dispute amongst the parties.
6. Mr. Vikram K. Bishnoi, Advocate appears on behalf of respondents No. 2 to 4 and reiterate the settlement and their concurrence to the quashing of the FIR alongwith all the other consequential proceedings.

7. Hon'ble Supreme Court in the matter of '**CBI, ACB Mumbai v. Narendra Lal Jain and others**', reported as **(2014) 5 SCC 364**, held as under:

13. In the present case, as already seen, the offence with which the respondent-accused had been charged are under Sections 120-B/420 of the Penal Code. The civil liability of the respondents to pay the amount to the Bank has already been settled amicably. The terms of such settlement have been extracted above (see para 3). No subsisting grievance of the Bank in this regard has been brought to the notice of the Court. While the offence under Section 420 IPC is compoundable the offence under Section 120-B IPC is not. To the latter offence the ratio laid down in B.S. Joshi [(2003) 4 SCC 675] and Nikhil Merchant [(2008) 9 SCC 677] would apply if the facts of the given case would so justify. The observation in Gian Singh [(2012) 10 SCC 303] (para 61) will not be attracted in the present case in view of the offences alleged i.e. under Sections 420/120-B IPC.

14. In the present case, having regard to the fact that the liability to make good the monetary loss suffered by the Bank had been mutually settled between the parties and the accused had accepted the liability in this regard, the High Court had thought it fit to invoke its power under Section 482 CrPC. We do not see how such exercise of power can be faulted or held to be erroneous. Section 482 of the Code inheres in the High Court the power to make such order as may be considered necessary to, inter alia, prevent the abuse of the process of law or to serve the ends of justice. While it will be wholly unnecessary to revert or refer to the settled position in law with regard to the contours of the power available under Section 482 CrPC it must be remembered that continuance of a criminal proceeding which is likely to become oppressive or

may partake the character of a lame prosecution would be good ground to invoke the extraordinary power under Section 482 CrPC.

8. On consideration of the above, the following relevant factors emerge for supplementing a case for invocation of the powers under Section 528 of BNSS, 2023:-

- a. It is established from the report of Sub Divisional Judicial Magistrate, Samana that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.
- b. The dispute in question is purely civil in nature arising out of a monetary transaction for sending the complainant and others abroad, with no continuing impact on public peace or societal order.
- c. Petitioners are in their forties and continued incarceration in a criminal case will cause severe repercussions to the petitioners in discharge of their social obligation as well as at their work place and may adversely impact their careers.
- d. The offence(s) in question cannot be said to be heinous or that would be shocking to the collective conscience of the society. It can also not be termed as one shocking to the conscience of the Court;
- e. In view of the compromise, the complainant has unequivocally stated that he does not wish to pursue the criminal proceedings any further.

f. Continuation of the proceedings, with the complainant unlikely to support the case of the prosecution, would serve no larger public purpose and would only result in a waste of judicial time.

9. In view of the report submitted by the Sub Divisional Judicial Magistrate, Samana and having regard to the settled principles laid down by the Hon’ble Supreme Court on the subject, the instant petition is allowed. The aforesaid FIR No.31 dated 27.04.2023 under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professional Regulation Act, 2012 registered at Police Station City Samana, District Patiala and all other consequential proceedings arising therefrom **are hereby quashed** in view of the compromise dated 03.08.2024 (Annexure P-2).

Petition is allowed.

FEBRUARY 12, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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