

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

132

2026:PHHC:013067



CRM-M-19557-2025 (O&M).
Date of decision: 29.01.2026.

JASWINDER SINGH MANN

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

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

Present :- Mr. Harpreet Singh Rakhra, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

Mr. Sanjeev Kumar, Advocate, for
Mr. Arun Dogra, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 is for quashing of FIR bearing No.302 dated
22.11.2019 under Section(s) 420 of the Indian Penal Code, 1860, registered at
Police Station City Phagwara, District Kapurthala, Punjab, along with all

subsequent proceedings arising therefrom on the basis of compromise dated 25.03.2025 (Annexure P-4).

2 Briefly summarized, the aforesaid FIR was registered on the statement of late Ashish Gupta, M.D. M/s Sampurna Feeds Pvt. Ltd. The translated version of the same is reproduced as under: -

“To the SSP, Kapurthala Subject: application against Jaswinder Singh son of Manjit Singh r/o Dyalpura (Bhai Ka Rampura Bathinda), Mob. 90413 22343). Sir, it is submitted that the above persons had purchased the feed from our company for Rs.4,36,800/- and in lieu of the same had given one cheque No. 010990 dated 25.12.2018 of Oriental Bank of commerce in which in English figures it was written rupees four lacs six thousand intentionally, so that the cheque does not get clear. At that time I did not see when the cheque was placed in the bank then it was not passed and the bank returned the cheque to us by saying that there is a difference in the figure of the amount and the amount is different in words and in numerical. After that he was asked to change the cheque by saying that you have given a wrong cheque and the cheque has been returned by the Bank without passing, but now he is not sharing us and neither he is changing the cheque and neither is giving the said amount and is making excuses, the above said person by taking feed from our company has not given the amount and in return has given a wrong cheque and has committed fraud with the company so through this application it is submitted that action be taken against the above said person and my money be got returned to me. I shall be thankful to you. Yours sincerely, M/s Sampurna Feeds Pvt. Ltd. GT Road, through MD Ashish Gupta 8400000082 dated 17.04.2019.”

3 However, with the intervention of the respectables, the parties

have decided to compromise the matter. Hence, the present petition.

4 The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 22.05.2025 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 Sub Divisional Judicial Magistrate, Phagwara, vide Memo No.419 dated 18.10.2025. The relevant extract of the report is reproduced as under:-

“1. As per the statement of IO, there is only one person namely Jaswinder Singh Mann arrayed as accused in the present FIR.

2. The present petition is filed by the accused who is only arrayed as accused.

3. As per the statement of IO, accused is not declared proclaimed offender.

4. From the statement of the parties, it appears that the compromise is genuine, voluntary and without any coercion and undue influence.

5. As per the statement of IO, accused is not involved in any other FIR.

6. As per the statement of IO, there is only one victim/complainant namely M/s Sampoorna Feeds Pvt Ltd, in the present FIR.

7. From the statements of the parties and IO, it is verified that there is only one victim/complainant M/s Sampooran Feeds Pvt

Ltd through its GPA namely Surjit Singh Mann in the present FIR who has impleaded as respondents in the present FIR.”

6 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.

7 Learned counsel for respondent No.2 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

8 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.

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) A monetary dispute arose between the petitioner and the respondent company on account of the former purchasing feed without compensating the latter;
- (ii) The petitioner is aged 37 years, and continuation of criminal proceedings would hamper his career prospects and the discharge of his social obligations;
- (iii) The offence in question cannot be said to be heinous or as an offence that would be shocking to the conscience of the society or public at large. It can also not be termed as one shocking to the conscience of the Court;

10 In view of the report of the Sub Divisional Judicial Magistrate, Phagwara and having regard to the settled principles laid down by the Hon'ble Supreme Court on the subject, the instant petition is allowed. FIR bearing No.302 dated 22.11.2019 under Section(s) 420 of the Indian Penal Code, 1860, registered at Police Station City Phagwara, District Kapurthala, Punjab, along with all subsequent proceedings arising therefrom, is hereby quashed on the basis of compromise dated 25.03.2025 (Annexure P-4) entered between the parties. However, the same would be subject to payment of costs of Rs.15,000/- to be deposited by the petitioner(s) with the Red Cross Old Age Home, Account No.50100286016319, IFSC-HDFC0004030, HDFC Bank, Sector 15, Panchkula, within two months from receipt of a certified copy of this order.

11 Petition is allowed in above terms.

January 29, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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