



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

122

CRM-M-8474-2018 (O&M)

Date of decision: 12.05.2026

Sunil Satija and another

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

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

Present :- Mr. Anurag Arora, Advocate and
Mr. Yajur Mago, Advocate for the petitioner(s).

Ms. Chhavi Sharma, AAG Haryana.

Mr. Anjani Kumar Mishra, Advocate and
Mr. Aditya, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed for seeking quashing of criminal complaint bearing No.16913 dated 15.12.2015 titled as 'Ashok Kumar Soni Vs. M/s. Bestech India Pvt. Ltd. and others' alongwith all the subsequent proceedings including the order dated 01.10.2016, whereby the petitioners have been summoned as accused to face the trial under Sections 420, 406, 467, 468, 471, 506 and 120-B of the Indian Penal Code, 1860 and also against the order dated 09.01.2018 passed by the Additional Sessions Judge, Gurugram whereby revision filed against the order of Judicial Magistrate First Class, Gurugram was dismissed.

2. Briefly summarized, the facts of the present case are that the complainant has alleged that the petitioners advertised the price of the

apartment as Rs. 5345/- per sq. ft. as a pre-launch price for the booking of the flats. The complainant was provisionally allotted Apartment no. 604 measuring 1920/ sq. ft. at Rs. 5345/- per sq. ft. in the month of November, 2012 for which the complainant issued a cheque No. 992853 of Rs. 10 lacs. As per a complaint the Complainant was approached by a person namely Kshitij Gera representing himself to be Manager of the company and demanded a further payment of Rs. 10 lacs. Acting on the above-said demand the complainant paid a further sum of Rs. 10 lacs on 04.06.2013 vide cheque No.992878. It is alleged that after the encashment of the cheques, the company fabricated the copy of Agreement and changed the pre-launch rate from Rs.5,345/- per sq. feet to Rs. 5,710/- per sq. ft. and raised an additional demand of Rs. 15,70,108/-.

3. The company directors (accused herein) carried out interpolation and unlawful changes in the form and erased the entries in original and changed the figures and further charged the additional amount towards EDC ad PLC, that were not incorporated originally. The same was thus alleged to be an act of forgery and fraud.

4. Pre-summoning evidence was led in which the respondent-complainant appeared alongwith one Rajnish as witness and exhibited as many as 14 documents. The application form Ex.P-11 established that initially Rs.5,345/- per sq. feet was quoted price and the same was written again as Rs.5,710/-. Noticing prima facie ingredients, the petitioners were summoned vide order dated 01.10.2016. The revision preferred against the same was also dismissed by the Additional Sessions Judge, Gurugram. Hence, the instant petition.

5. Today, learned counsel for the petitioner has produced the original settlement agreement dated 11.05.2026 executed between the parties, as per which, an amount of Rs.46,00,000/- has been received by respondent No.2 from the petitioners vide DD No.068083 dated 08.05.2026 as full and final settlement amount and it has been undertaken by the complainant to withdraw all the pending complaints against the petitioners before any authority or forum.

6. Learned counsel appearing on behalf of respondent No. 2 reiterates the settlement and his concurrence to the instant complaint as well as the order and all the other consequential proceedings being quashed. He has also submitted his written statement to the said extent which is at 'Mark-X'.

7. I have heard learned counsel for the parties and have gone through the documents appended with the present petition.

8. The broad principles for exercising the powers under Section 482 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 non-compoundable.

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.”*

9. The Hon'ble Supreme Court has held in '**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.

10. It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

11. In view of the above and the principles laid down by the Apex Court, the instant petition is **allowed**. The complaint bearing No.16913 dated

15.12.2015 titled as ‘Ashok Kumar Soni Vs. M/s. Bestech India Pvt. Ltd. and others’ alongwith all the subsequent proceedings including the order dated 01.10.2016 as well as order dated 09.01.2018, are hereby quashed qua the petitioner(s) in view of aforesaid settlement executed between the parties. However, the same would be subject to payment of a cost of Rs.75,000/- to be deposited by the petitioners with the Poor Patient Welfare Fund (PPWF) of Post Graduate Institute of Medical Education & Research, Chandigarh, IFSC Code: HDFC0004832, HDFC Bank Sector-6, Panchkula within a period of 10 days from receipt of a certified copy of this order.

12. Petition is ***allowed***.

(VINOD S. BHARDWAJ)
JUDGE

12.05.2026

Mangal Singh

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