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

CRR No.2023 of 2025 (O&M)

Date of Decision: 29.01.2026

Dapinder Singh and another

--Petitioners

Versus

State of Haryana and another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. Govind Arora, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

Mr. Fateh Saini, Advocate
for respondent No.2.

RAJESH BHARDWAJ.J (Oral)

1. Instant revision petition has been filed praying for setting aside the impugned judgment dated 08.08.2025 passed in Criminal Appeal No.340 of 2018, whereby the criminal appeal filed by the petitioners against the judgment dated 12.10.2018 and order of sentence dated 15.10.2018 passed by the learned Judicial Magistrate Ist Class, Ambala in CIS No.11155 of 2014-CHI arising out of FIR No.31, dated 21.02.2014, registered at Police Station Mullana, under Sections 406 & 420 read with Section 120-B of IPC, was dismissed and the petitioners may kindly be acquitted of the charges.

2. Brief facts of the present case are that respondent No.2 i.e the complainant, who lodged the FIR in question against the petitioner-accused. It was alleged that in January, 2012, Jagjit Singh, who was acquainted with the complainant, approached and advised that he on passing a cooking



course, has good scope in Canada and could arrange his settlement there through his son, namely, Dapinder Singh, who was doing the business of immigration. Accordingly, the complainant met Dapinder Singh, who assured him that he could easily arrange sending and settling him in Canada and on account of the same, he demanded Rs.4 lacs. It was alleged that the complainant paid Rs.4 lacs to the accused, namely, Jagjit Singh and Dapinder Singh (both petitioners) in the presence of Naresh Kumar, resident of House No.1028, Sector-52, Bijli Colony, Chandigarh (UT) and Puneet Kumar, resident of Sector-20, Chandigarh in the month of February, 2013 in cash and the accused assured that in the month of June, 2013, they would send the complainant to Canada. The complainant gave all requisite documents including his passport, testimonials to the accused, namely, Dapinder Singh in the presence of abovesaid witnesses. However, in June, 2013, the complainant requested Dapinder Singh to send him to Canada but he started lingering on the matter on one pretext or the other. It is further alleged that on 08.10.2013, the complainant along with Naresh Kumar went to meet Jagjit Singh and narrated all the facts and demanded back the amount he paid, to which he furnished an affidavit and promised to return the said amount of Rs.4 lacs within three months and if he failed to do so, then the accused, namely, Dapinder Singh and he would be liable. Later on, the accused had issued two cheques in the name of the complainant for the amount of Rs. 2 lacs each. However, on presentation of cheque bearing No.322931 dated 27.12.2013 for an amount of Rs.2 lacs of SBI, Chandigarh issued by Dapinder Singh and cheque No.302947 dated 27.12.2013 for an amount of Rs.2 lacs of Canara Bank, Chandigarh issued by Jagjit Singh, were dishonoured by their bankers vide memos dated 30.12.2013 with



remarks mentioned at serial No.99. Dapinder Singh and his father, Jagjit Singh were fully aware that limits of their cheques was Rs.50,000/- only but after knowing fully, they issued the same with malafide intention and just to harass and cheat the complainant. Despite the demand, they flatly refused to return the amount. Thereafter, the complainant approached the concerned Police Station but the police did not take any action against the accused. Thereafter, complainant moved an application before the DCP, Ambala, but of no use and thus, the action in the matter was sought. Thereafter, his statement was recorded and thus, FIR No.31, dated 21.02.2014, under Sections 406, 420 & 120-B of IPC, at Police Station Mullana was lodged to take legal action against the above-said accused. On registration of the FIR, the investigation commenced and on completion of the same, the challan was presented. On framing of charges, the trial commenced and on conclusion of the trial, Dapinder Singh and Jagjit Singh were convicted vide order dated 12.10.2018 and sentenced under Sections 420 and 120-B of IPC for one year rigorous imprisonment along with fine by the learned Judicial Magistrate Ist Class, Ambala vide his orders dated 15.10.2018. The petitioners challenged the same by filing an appeal before the learned Additional Sessions Judge, Ambala and the learned Additional Sessions Judge, Ambala, vide order dated 08.08.2025, upheld the order passed by the learned Judicial Magistrate Ist Class, Ambala and dismissed the appeal filed by the petitioners. Thus, the petitioners approached this Court by way the present petition praying for setting aside the judgment of conviction dated 12.10.2018 and order of sentence dated 15.10.2018.

3. Learned counsel for the petitioner submits that the prosecution

of the petitioners is nothing but an abuse of the process of the Court. He has



submitted that though the petitioners have already been convicted by the Court of competent jurisdiction, however, now the parties have arrived at a compromise and respondent No.2 does not want to prosecute the petitioners any more. Thus, the conviction and order of sentence dated 12/15.10.2018 passed by the learned Judicial Magistrate Ist Class, Ambala as well as the judgment dated 08.08.2025 passed by the learned Additional Sessions Judge, Ambala may kindly be quashed. Learned counsel for the petitioners has relied upon the Full Bench Judgment of this Court titled as *Ramgopal and another vs. State of Madhya Pradesh, 2021(4) RCR (Criminal) 322; Ram Parkash and others Vs. State of Haryana* passed in *CRR-2309-2015* on *22.02.2024* and *Sandeep and others Vs. State of Haryana and another, 2023(1) RCR Criminal 717.*

4. Learned counsel for respondent No.2 has supported the contentions of learned counsel for the petitioners and has submitted that the matter has been amicably settled between the parties.

5. However, learned counsel for the State has opposed the same.

6. This Court vide order dated 04.09.2025, on the request of learned counsel for the parties, referred the matter to the Mediation & Conciliation Centre of this Court for amicable settlement.

7. In compliance of the same, report of the mediator has already been received, in which it has been mentioned that the parties have settled their dispute by way of an amicable settlement/agreement. The compromise effected between the parties is already on the record.

8. I have heard learned counsel for the parties, perused the record and the report of the Mediator.

9. It is evident that on the basis of allegations against the



appellant, the FIR was registered and the petitioners were tried by the learned trial Court. Learned trial Court vide its judgment dated 12/15.10.2018, convicted the petitioners for the offence under Sections 406 & 420 of IPC and sentenced for 01 year rigorous imprisonment, which was further upheld by the learned Additional Sessions Judge, Ambala vide order dated 08.08.2025. Now, the compromise arrived at between the parties has been proved by way of compromise deed, which has been placed on record by the petitioners.

10. Hon'ble Supreme Court in *Ramgopal and another V. State of Madhya Pradesh (supra)* has held as under:

“13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are predominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482 Cr.P.C., 1973 would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C., 1973 may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave



injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in *Narinder Singh & Ors. v. State of Punjab & Ors.*, (2014) 6 SCC 466 and *Laxmi Narayan (Supra)*.

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19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C., 1973 where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C., 1973 or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C., 1973 Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”

11. Keeping in view the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, the continuation of criminal prosecution would be a futile exercise. The Hon'ble Supreme Court in a number of cases including *Narinder Singh and others Versus State of Punjab and another*, 2014 (6) SCC 466; *B.S.Joshi and*



others vs State of Haryana and another (2003) 4 Supreme Court Cases 675 followed by this Court in Full Bench case of **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR 1052** have dealt with the proposition involved in the present case and settled the law.

12. This Court while taking into consideration the abovesaid authority relied upon by the learned counsel for the petitioners is of the view that the present case is a fit case where the Court should exercise its jurisdiction to accept the compromise effected between the parties which appears to be voluntarily without any force or coercion. The parties have buried their differences and have decided to end their dispute.

13. Hon'ble Supreme Court, in '**Mrs.Shakuntala Sawhney Vs. Mrs. Kaushalya Sawhney and others**' (1980) 1 SCC 63, aptly summed up the essence of compromise in the following words:- *'the finest hour of justice arrives propitiously when parties despite falling apart, bury the hatchet and weave a sense of fellowship of re-union'*.

14. This Court in the case of **Sube Singh and another Versus State of Haryana and another 2013(4) RCR (Criminal) 102** has considered the issue of compounding of offences at the appellate stage and has observed that even when appeal against the conviction is pending before the Sessions Court and parties entered into a compromise, the High Court is vested unparallel power under Section 482 Cr.PC to quash criminal proceedings at any stage so as to secure the ends of justice and has observed as under:-

"15. The refusal to invoke power under Section 320 CrPC, however, does not debar the High Court from resorting to its inherent power under Section 482 Criminal Procedure Code and pass an appropriate order so as to secure the ends of justice.



16. As regards the doubt expressed by the learned Single Judge whether the inherent power under Section 482 Criminal Procedure Code to quash the criminal proceedings on the basis of compromise entered into between the parties can be invoked even if the accused has been held guilty and convicted by the trial Court, we find that in **Dr. Arvind Barsaul etc. v. State of Madhya Pradesh & Anr., 2008(2) R.C.R. (Criminal) 910 : (2008)5 SCC 794**, the unfortunate matrimonial dispute was settled after the appellant (husband) had been convicted under Section 498A Indian Penal Code and sentenced to 18 months' imprisonment and his appeal was pending before the first appellate court. The Apex Court quashed the criminal proceedings keeping in view the peculiar facts and circumstances of the case and in the interest of justice observing that "continuation of criminal proceedings would be an abuse of the process of law" and also by invoking its power under Article 142 of the Constitution. Since the High Court does not possess any power akin to the one under Article 142 of the Constitution, the cited decision cannot be construed to have vested the High Court with such like unparallel power.

17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.

18. xxxx xxxx

19. xxxx xxxx

20. xxxx xxxx

21. In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a



permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.

22. *Consequently, and for the reasons afore-stated, we allow this petition and set aside the judgment and order dated 16.03.2009 passed in Criminal Case No. 425-1 of 2000 of Additional Chief Judicial Magistrate, Hisar, on the basis of compromise dated 08.08.2011 arrived at between them and their step-mother respondent No.2 (Smt. Reshma Devi) w/o late Rajmal qua the petitioners only. As a necessary corollary, the criminal complaint filed by respondent No.2 is dismissed qua the petitioners on the basis of above-stated compromise. Resultantly, the appeal preferred by the petitioners against the above-mentioned order dated 16.03.2009 would be rendered infructuous and shall be so declared by the first Appellate Court at Hisar."*

15. Similar view has been taken by this Court in the case of **‘Baghel Singh Versus State of Punjab 2014(3) RCR (Criminal) 578’**, **Lal Chand Versus State of Haryana, 2009 (5) RCR (Criminal) 838**, **Chhota Singh Versus State of Punjab 1997(2) RCR (Criminal) 392** and **Ram Parkash and others Vs. State of Punjab and others, CRM-M-17272-2025 dated 28.01.2016**.

16. Thereafter, Hon'ble Supreme Court in ***Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303*** further dealt with the issue and the earlier law settled by the Supreme Court for quashing of the FIR in ***State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335***. Para



61 of the judgment reads as under:-

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim’s family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice

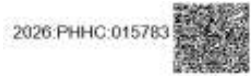


would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

17. Applying the law settled by Hon'ble Supreme Court in plethora of judgments and this High Court, it is apparent that by allowing and accepting the prayer of the petitioners by quashing the case would be securing the ends of justice, which is primarily the object of the legislature enacting under Section 528 of B.N.S.S. and when the parties have entered into a compromise, then continuation of the proceedings would be merely an abuse of process of the Court.

18. Weighing the facts and circumstances of the present case on the anvil of law settled, the offence under Sections 406 & 420 read with Section 120-B of IPC are allowed to be compounded. Accordingly, the present revision petition filed by the petitioners is allowed in view of the compromise arrived at between the parties.

19. Hence, the impugned judgment dated 08.08.2025 passed by the learned Additional Sessions Judge, Ambala in Criminal Appeal No.340 of 2018 as well as the judgment dated 12.10.2018 and order of sentence dated 15.10.2018 passed by the learned Judicial Magistrate Ist Class, Ambala in CIS No.11155 of 2014-CHI arising out of FIR No.31, dated 21.02.2014,



registered at Police Station Mullana, under Sections 406 & 420 read with Section 120-B of IPC are hereby set aside *qua* the petitioners. The petitioners shall be deemed to have been acquitted of the charged offences for all intents and purposes.

20. Needless to say that the parties shall remain bound by the terms and conditions of the compromise effected between the parties.

29.01.2026
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(RAJESH BHARDWAJ)
JUDGE

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