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

**CRM-M-54971-2024 (O&M)
Date of decision : 29.04.2025**

Anil Sharma

... Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Anil K. Sokal, Advocate for
Mr. Puneet Kakkar, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Dharam Pal Saini, Advocate for
Mr. Roshan Lal Saini, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), praying for quashing of FIR No.722 dated 08.08.2017 (P-1), under Sections 406, 420, 467, 468, 471, 506 and 120-B of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Saran, District Faridabad along with all consequential proceedings arising therefrom on the basis of compromise dated 15.10.2024 (P-2), entered into between the parties i.e. petitioner as well as respondent No.2.

2. Allegations are that the petitioner in criminal conspiracy with co-accused duped the *de facto* complainant to the tune of Rs.12,25,000/- by



withdrawing the same from loan account of complainant by using the cheques meant for sanction of loan.

3. Contends that matter has been amicably settled between the parties, i.e. petitioner as well as respondent No.2; hence FIR in question as well as consequential proceedings deserve to be quashed.

4. Learned counsel for respondent No.2 has also acknowledged the contention raised on behalf of the petitioner.

5. Still further, learned State Counsel, on instructions from the police officer present, is not averse in case the above FIR along with consequential proceedings are quashed and set aside on the basis of the compromise entered into between the parties i.e. petitioner well as respondent No.2.

6. Heard learned counsel for the parties and perused the paper-book.

7. The Co-ordinate Bench on 18.02.2025, passed the following order:-

“The petitioner has approached this Court seeking quashing of FIR and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

The parties are directed to get their statements recorded qua the factum of compromise in the following manner:

(i) The petitioners shall appear before the trial Court/Illaq Magistrate concerned on 24.2.2024 or any date thereafter as fixed by trial Court/Illaq Magistrate for recording statements of the petitioners as well as of the complainant qua the factum of compromise. As and when any such appearance is made, the



trial Court/Illaqa Magistrate shall do the needful for recording the statements of the parties qua the factum of the compromise.

It shall be open to the trial Court/Illaqa Magistrate to either record the statements of the parties by physical process or by video conferencing as deemed appropriate by the trial Court/Illaqa Magistrate.

(ii) In case the statement is to be recorded by way of video conferencing, the parties concerned shall be duly identified through video conferencing by their respective counsel, subject to the satisfaction of the Presiding Officer.

(iii) The trial Court/Illaqa Magistrate may also choose to get the statements of the parties recorded through some Commissioner, appointed by the Court who would be some Advocate having sufficient standing at the Bar. In case the statement is recorded through some Commissioner, such Commissioner/Advocate shall furnish an affidavit after recording statements to the effect that the parties had appeared before him/her and he/she had recorded their statements as per law and that the said parties had been duly identified by their respective counsel. This shall be subject to satisfaction of trial Court/Illaqa Magistrate.

After recording the statements of all the affected parties in either of the aforesaid manner, the trial Court/Illaqa Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in



question is found to be a valid compromise and has been effected without there being any kind of influence or coercion.

The trial Court/Illaq Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

(i) Whether there is any other accused other than the petitioners, arrayed in this petition?

(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?

(iii) Whether any accused has been declared Proclaimed Offender?

The report be submitted before this Court before the next date of hearing i.e. 5.3.2025.”

8. In terms of aforesaid order, statements of both the parties were recorded and a report dated 01.03.2025 has been received from learned Judicial Magistrate First Class, Faridabad. For reference, the operative part of report reads as under:-

“(iv) In the present case, as per the statement of the concerned Investigation Officer, ASI Devender No. 632/Fbd., at present posted at, Crime Branch AVTS Sikrona, Faridabad that there is only one accused namely Anil Sharma and complainant Ashok Sharma is the only affected/aggrieved person in the present case.

(vi) In the present case, as per the statement of the concerned Investigation Officer, ASI Devender No. 632/Fbd., at present posted at, Crime Branch AVTS Sikrona, Faridabad, accused have not been declared a proclaimed offender.



(vii) *This Court is of the considered view that the compromise appears to be genuine and have been reached voluntarily and without any coercion or undue influence between the complainant Ashok Sharma and the accused person namely Anil Sharma and the Investigating officer and they have made their statements voluntarily and without any threat, inducement, coercion or undue influence. The compromise is a valid compromise.”*

9. Hon’ble the Supreme Court in **Gian Singh v. State of Punjab, (2012) 10 SCC 303**, has held 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 FIR may be exercised where the offender and the 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 a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the 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 the 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 the 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.”

10. In view of above discussion, this Court is fully convinced that the offence is entirely personal in nature and does not involve public funds. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.



11. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed *qua* the petitioner.

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

29.04.2025

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(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/ reasoned : Yes / No

Whether reportable : Yes / No