

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

**CRM-M-64899-2024 (O&M)  
Date of decision : 05.04.2025**

Naresh Kumar

... Petitioner

*Versus*

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Ms. Pinki Mehla, Advocate (through V.C.) for the petitioner.

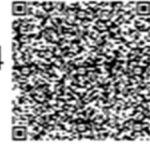
Mr. Kiran Pal Singh, AAG, Haryana for respondent No.1.

Mr. Pawan Attri, Advocate for respondent Nos.2 & 3.

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**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of FIR No.0209 dated 27.11.2024 (P-1), under Sections 406, 420 of the Indian Penal Code, 1860 (*for short 'IPC'*); Section 24 of the Emigration Act, registered at Police Station Dhand, District Kaithal, along with all consequential proceedings arising therefrom on the basis of compromise



dated 14.12.2024 (P-2), entered into between the parties i.e. petitioner as well as respondent Nos.2 & 3.

(2) Allegations are that petitioner cheated complainant party to the tune of Rs.17 Lakh on the pretext of sending them abroad.

(3) Contends that matter has been amicably settled between the parties i.e. petitioner as well as respondent Nos.2 & 3; hence FIR in question as well as consequential proceedings deserve to be quashed.

(4) Learned Counsel for respondent Nos.2 & 3 has also acknowledged the contention raised on behalf of the petitioner.

(5) Still further, learned State Counsel, on instructions from the police official 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 as well as respondent Nos.2 & 3.

(6) Heard learned Counsel for the parties and perused the paper-book.

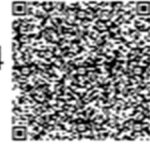
(7) This Court, on 16.01.2025, passed the following order:-

*“Contends that matter has been compromised between the parties i.e. petitioner as well as respondent Nos.2 & 3.*

*(2) It transpires that notice of motion has already been issued by the Coordinate Bench, vide order dated 20.12.2024.*

*(3) Learned Counsel for respondent No.2 acknowledged the factum of compromise dated 27.12.2024 (P-4) arrived at between the parties at their own level.*

*(4) Petitioner shall file an affidavit that there is no other criminal case(s) pending against him and also give the*



*details of any other FIR(s), already quashed on the basis of compromise.*

*(5) In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on or before 30.01.2025 for recording their statement(s) with reference to the compromise, if any, entered into between them.*

*(6) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-*

*(i). Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?*

*(ii). Whether the compromise effected between the parties is genuine and valid?*

*(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?*

*(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?*

*(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?*

*(vi). Whether any of the petitioner(s) is/are previous convict or not?*

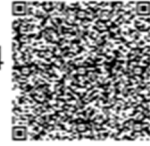
*(7) List before this Court on 24.02.2025 for further consideration.*

*(8) Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?*

*(9) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”*

**(8)** In terms of aforesaid order, statements of both the parties were recorded and report dated 28.01.2025 has been received from learned Judicial Magistrate First Class, Kaithal. For reference, the relevant extract of report reads as under:-

2025:PHHC:047014



*“2. In view of the aforesaid order, the report is being submitted by the undersigned. The point wise Report is as follows:*

**POINT NO.1:**

*(i) Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?*

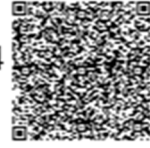
*Regarding Point no.(i), it is submitted that parties in the present criminal case i.e. petitioner-accused Naresh Kumar as well as respondents/complainants Vipanshu and Salinder vide their separately recorded statements have stated that compromise has been effected between them out of their free will and without any coercion or pressure from any corner. They have stated they have no objection if the present FIR is quashed. Accused has also stated that compromise is correct and genuine and was effected out of free will of the parties. In view of the said statements of the parties and in belief of the undersigned, the statements of the parties appears bonafide and voluntarily and out of free will without any pressure or coercion.*

**POINT NO.2:**

*(ii). Whether the compromise effected between the parties is genuine and valid?*

*Regarding Point no.(ii), it is submitted that parties in the present criminal case i.e. petitioner-accused Naresh Kumar as well as respondents/complainants Vipanshu and Salinder vide their separately recorded statements have stated that compromise is correct and genuine and was effected out of free will of the parties, without any pressure or coercion. In view of*

2025:PHHC:047014



*the said statements of the parties and in belief of the undersigned, the compromise appears to have been effected voluntarily and out of free will and the same is genuine and valid.*

**POINT NO.3:**

*(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?*

*Regarding Point no.(iii), it is submitted as per the statement of IO, present case FIR was registered against only accused Naresh Kumar on the complaint of complainants Vipanshu and Salinder. All the parties to the compromise i.e. both the complainants Vipanshu and Salinder as well as accused Naresh Kumar appeared before the court and got recorded their statements qua compromise.*

**POINT NO.4:**

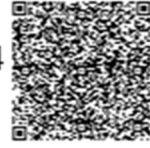
*(iv) Whether any other case is pending against either of the parties or not, if yes, the details thereof?*

*Regarding Point no.(iv), it is submitted that as per the statement of IO, present case FIR was registered against only accused Naresh Kumar on the complaint of complainants Vipanshu and Salinder and as per his statement no other case is pending against either of the parties of the present case.*

**Point No.5:**

*(iv) (sic-v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?*

*Regarding point no.(v), it is submitted that as per the statement of IO, present case FIR was registered against only accused Naresh Kumar on the complaint of complainants Vipanshu and Salinder and any of the*



*persons involved in this case/dispute has not been declared as proclaimed person and they are not involved in any other case.*

**Point No.6:**

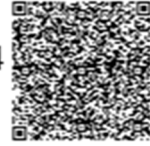
*(iv) (sic-vi) Whether any of the petitioner(s) is/are previous convict or not?*

*Regarding point no.(vi), it is submitted that as per the statement of IO, present case FIR was registered against only accused Naresh Kumar on the complaint of complainants Vipanshu and Salinder and petitioner-accused Naresh Kumar is not a previous convict.”*

A perusal of the aforesaid extract clearly reveals that matter has been compromised by both sides with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either side against each other.

**(9)** Hon’ble the Supreme Court in “**Gian Singh Versus 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 predominately 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. However, as a deterrence for the future, petitioner shall suffer costs of ₹ 30,000/-. Costs be deposited with the Punjab and Haryana High Court Employees Welfare Association, Account No.37167209613, IFSC: SBIN0050306, State Bank of India, High Court Branch, Chandigarh.

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

5<sup>th</sup> April, 2025  
*Gagan*

(MAHABIR SINGH SINDHU)  
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>