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

CRM-M-68797-2025 (O&M)

Date of Decision: 07.09.2026

ARPAN TYAGI AND ANOTHER**..... PETITIONERS****VERSUS****STATE OF HARYANA AND ANOTHER****.....RESPONDENTS****CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. Vikrant Malwal, Advocate,
Mr. Chandan Prajapati, Advocate and
Mr. Mukul Kumar, Advocate
for the petitioners.

Mr. Kshitij Bharati, AAG, Haryana.

SHALINI SINGH NAGPAL J.

1. Vide this petition under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, petitioners seek quashing of FIR No.227 dated 22.08.2025 under Section 318(4) Bharatiya Nyaya Sanhita, 2023, Police Station Cyber, District Gurugram, Haryana and all subsequent proceedings arising therefrom, on the basis of compromise.

2. Complainant Sushil Kumar son of Roshan Lal reported that on 20.08.2025, he received a call on his mobile phone from another mobile number. The caller inquired as to whether he was interested in getting credit card of AU Bank. Thereafter, he received a link on whatsapp from a phone number. He entered name of his mother and details of his own credit card upon which a form appeared. He was apprised that the limit of his new credit card would remain the same as the old credit. An application downloaded on his mobile and he started receiving OTPs. The amount of Rs.49730.71/- was



deducted from his account twice. A total amount of Rs.99461.42/- was thus, deducted from his account.

3. Learned counsel for the petitioners submits that the FIR was registered against unknown persons and did not attribute any direct acts of cyber fraud to the petitioners whose alleged role emerged only in subsequent investigation. With assistance of respectable members of the society, the dispute had been amicably resolved. The matter was personal in nature and keeping the trial alive, would cause prejudice to both sides and would also destroy future prospects of the petitioners. Quashing of the FIR, on the other hand, would ensure return of the petitioners to constructive lives. Complainant acknowledged full satisfaction as the petitioners agreed to compensate him. Thus, keeping in mind the welfare of the complainant and the petitioners, the prayer for quashing of the FIR deserved to be allowed.

4. Learned State counsel opposes the prayer for quashing of the FIR, on the basis of compromise, submitting that during the course of investigation, identity of 3 persons could not be established and final report was filed only against 2 persons, though, it was a matter of record that 5 persons were involved in the crime. As of now, only 2 persons had been challaned. It was further argued that the matter involving cyber crime could not be considered personal in nature and trial could not be terminated on the basis of alleged compromise. He thus, prayed for dismissal of the petition.

5. The Apex Court in the case of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641', has laid down the broad principles governing the exercise of powers under Section 482 Cr.P.C. by this Court. The relevant observations 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 noncompoundable.

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.”

6. Allegations in the FIR *prima facie* reveal commission of cyber crime/cyber fraud through which amount was surreptitiously deducted from bank account of the complainant, who received a link on his phone which led him to a form for securing a new credit card. Amount of Rs.99,461/- was allegedly found credited in beneficiary account of Nobroker Technologies Solution Pvt. Ltd. and was later found transferred to a UPI account. It is nobody's case that the petitioners were earlier acquainted with the



complainant or there was any history of past transaction.

7. Cyber crimes pose a grave and expanding threat to the society, considering the pace and speed at which they are proliferating leaving a trail of victims behind. Such offences not only affect digital infrastructure but also the integrity of financial systems and erode public confidence in electronic transactions. Online frauds are committed across jurisdictions, impacting numerous unsuspecting victims and the society at large. The offenders use sophisticated technological means making detection and recovery of the proceeds of crime increasingly difficult. The widespread use of digital platforms has increased the scale and speed of cyber crimes. In no circumstances, the offence alleged to have been committed by the petitioners can be treated private in nature. The *modus operandi* adopted in the case cannot be put in the compartment of an individual or personal wrong. Compromise obtained by compensating the victim with money cannot provide the basis of quashing of the criminal proceedings by exercising inherent powers of the Court. Quashing of FIR in such a case would be contrary to the interest of justice and to the interest of the society at large. The offence is a social wrong and has immense societal impact. The ultimate victim is the collective as such offences are hazardous to the financial interest of the society.

8. Another important factor which weighs against the petitioners is that three other accused have not been arrested so far and challan has been presented only against the petitioners. It is a case of partial compromise. In view of the observations of a Division Bench of this Court in ***Rakesh Das Vs. State of Haryana and Another, CRM-M No. 48043 of 2023 (O&M), date of decision 12.11.2024***, it is not a fit case to exercise powers under Section 528 Bharatiya Nagrik Suraksha Sanhita, 2023.



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9. The petition is accordingly, dismissed.
10. Pending miscellaneous applications, if any, stand disposed of.

07.09.2026

Sumit Singla

(SHALINI SINGH NAGPAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No