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

**CRM-M-31579-2024 (O&M)
Date of decision : 02.09.2025**

Veena Rani

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Balbir Kumar Saini, Advocate
for the petitioner.

Mr. Vivek Sharma, AAG, Punjab.

Mr. Sanjeev Kumar Arora, Advocate
for respondents No. 2 and 3.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 482 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*), is for quashing of FIR No. 180 dated 08.10.2021, registered under Sections 420 and 120-B of IPC at Police Station City Moga, District Moga along with all the subsequent proceedings having emanated therefrom.

2. Brief facts of the case relevant for the purpose of disposal of this petition are the aforementioned FIR was registered on the basis of a complaint submitted by complainant Baljinder Singh alleging therein that he was married with Shehnaaz, daughter of the present petitioner, on 25.06.2019 through mediation of one Rajinder Singh Brar. Shehnaaz was already studying in Canada. It was agreed between the parties that the expenses for her further studies would be borne by the complainant and his

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family members and that she would sponsor the visa of Baljinder Singh. Just after the marriage, Baljinder Singh and his mother transferred an amount of Rs. 8.5 Lakhs in the account of the present petitioner, who is mother of Shehnaaz. The expenses for issuance of visa for Shehnaaz were also incurred by the complainant. Then in February, 2022, an amount of Rs.3 Lakhs was transferred by the complainant in the bank account of the petitioner. Petitioner Veena Rani had executed an agreement to sell her residential house in favour of Jaswant Singh, father of complainant Baljinder Singh. Shehnaaz had gone abroad shortly after her marriage with the complainant. Visa for the complainant was applied for but the same was rejected by the embassy concerned on the ground that Shehnaaz had shown her marital status as 'single' in the documents and the marriage did not appear to be genuine.

3. As per the further allegations, since the visa of the complainant was rejected on account of lapse on the part of Shehnaaz, the petitioner and her family members had agreed to return the amount of Rs. 24 Lakhs spent by the complainant to his family within 08 months but they did not do so. A complaint was filed by respondent No. 2 against the petitioner and her daughter. The petitioner had again agreed to return the money of the complainant before the authorities of the Anti Human Cell, Moga and had issued a cheque for Rs. 39,30,000/- in the name of respondent No.3 Jaswant Singh and had also assured to refund the money within 01 month after selling her property. The said cheque was dishonoured. The complainant also came to know that the petitioner had sold the property qua which agreement to sell was executed in his favour, to one Rekha Rani and had

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bought some other house. By alleging that he had been cheated at the hands of the petitioner and co-accused, the complainant prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested and was subsequently released on bail. Presently, she is facing trial for commission of aforementioned offences, whereas her daughter Shehnaaz has been declared to be a proclaimed person.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. Her daughter had been studying in Canada prior to her marriage with respondent No. 2. The respondent No. 2 and his family members themselves had agreed to bear the future educational expenses of her daughter after the marriage. She went back some time after her wedding. Respondent No. 2, who was interested in going to Canada, had applied for issuance of visa. All the requisite formalities had been completed by the daughter of the petitioner and documents had been submitted to the embassy concerned but the visa of the complainant was rejected for the reasons not known to them. The complainant and his family members had felt offended. They obtained her signatures on some documents and a cheque in deceitful manner and had mis-utilized the same. A complaint on the same set of allegations had been filed by the father of the complainant, which is pending at Moga. The petitioner had never executed any agreement to sell her property in favour of respondent No. 2 and a forged agreement had been created. The ingredients for commission of offence punishable under Section 420 read with Section 120-B of IPC have not been attracted at all qua the petitioner. There are no chances of her being convicted, even if the allegations in the FIR are considered to be correct. The

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proceedings have been initiated before the learned trial Court only with a view to abuse the process of law. The petitioner is not the beneficiary of any transaction. The dispute between the parties is of civil nature, which has been given a criminal colour. With these broad submissions, it is urged that the petition deserves to be allowed and the impugned FIR along with all the subsequent proceedings is liable to be quashed.

5. Separate replies have been by the respondent-State as well as respondent Nos. 2 and 3. It is argued by learned State counsel, assisted by learned counsel for respondent Nos. 2 and 3, that there are specific allegations against the petitioner. *Challan* has been presented. Trial has commenced. Thorough inquiry had been conducted in the matter and the allegations levelled against the petitioner were *prima facie* made out. The veracity of the allegations as levelled against the petitioner can be tested in the trial which is already taking place before learned trial Court and no ground for quashing the FIR has been made out. Therefore, it is urged that the petition is liable to be dismissed.

6. The rival submissions made by the parties have been heard and given due deliberations by this Court, besides perusing the material placed on record carefully.

7. At the outset, it will be profitable to look into the scope and ambit of the Court's power under Section 482 Cr.P.C. (*which is pari materia with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023*) as spelt out in several judicial pronouncements of Hon'ble Supreme Court as well as different High Courts. The well settled proposition of law is that in exercise

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of inherent powers under Section 482 Cr.P.C., the High Court is not expected to analyze all the facts, which are to be placed before the High Court. The power conferred under this section is very specific. To secure the ends of justice, to prevent the abuse of process of Court or to make any such orders as may be necessary to give effect to any order under the Code, such power can be exercised to prevent abuse of process of Court. The Hon'ble Supreme Court has drawn up some guidelines in some categories of cases by way of illustration to circumscribe the exercise of inherent power under Section 482 of Cr.P.C. to prevent abuse of process of any Court or to secure the ends of the justice or to give effect to an order of the Court. A celebrated pronouncement on this point is the case cited as ***State of Haryana Vs. Bhajan Lal : 1992 SUPP (1) SCC 335***, wherein Hon'ble Supreme Court had discussed different categories of cases wherein the power under Section 482 Cr.P.C. could be exercised either to prevent abuse of process of law or otherwise to secure the ends of justice, while observing that it might not be possible to lay down any precise, clearly defined, sufficiently channelized, inflexible guidelines or rigid formulae and to give an exhaustive list or myriad kind of cases where such powers should be exercised. The following principles have been culled out:-

“102 (1) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(2) Where the allegations in the First Information Report and other materials, if any, accompanying the FIR do not

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disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155 (2) of the Code;

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

8. The principles of law as laid down by Hon’ble Supreme Court in *Bhajan Lal*’s case (supra) have been followed in a catena of judgments. In *Paramjeet Batra vs. State of Uttarakhand, (2013) 11 SCC 673*, it was

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observed by Hon'ble Supreme Court that although the inherent powers of a High Court under Section 482 of the Code should be exercised sparingly and only for the purpose of preventing abuse of process of any Court or otherwise to secure ends of justice, yet, the High Court must not hesitate in quashing such criminal proceedings, where essential ingredients of the offence are not made out. In ***Mahendra K.C. vs. State of Karnataka, (2022) 2 SCC 129; (2022) 1 SCC (Cri) 401***, Hon'ble Supreme Court observed that the test to be applied is whether the allegations in the complaint, as they stand, without adding or detracting from the complaint, prima facie establish the ingredients of the offence alleged. At this stage, the High Court cannot test the veracity of the allegations, nor, for that matter, can it proceed in the manner that a judge conducting a trial would, based on the evidence collected during the course of the trial. In ***Priyanka Jaiswal vs. State of Jharkhand, 2024 SCC Online SC 685***, Hon'ble Supreme Court observed that the Court exercising extraordinary jurisdiction under Section 482 of Cr.P.C. cannot conduct a mini trial or enter into appreciation of evidence of a particular case. The following observations were made:

“13. We say so for reasons more than one. This Court in catena of Judgments has consistently held that at the time of examining the prayer for quashing of the criminal proceedings, the court exercising extra-ordinary jurisdiction can neither undertake to conduct a mini trial nor enter into appreciation of evidence of a particular case. The correctness or otherwise of the allegations made in the complaint cannot be examined on the touchstone of the probable defence that the accused may raise to stave off the prosecution and any such

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misadventure by the Courts resulting in proceedings being quashed would be set aside. This Court in the case of Akhil Sharda¹ held to the following effect:

“28. Having gone through the impugned judgment and order passed by the High Court by which the High Court has set aside the criminal proceedings in exercise of powers under Section 482 Cr.P.C., it appears that the High Court has virtually conducted a mini trial, which as such is not permissible at this stage and while deciding the application under Section 482 Cr.P.C. As observed and held by this Court in a catena of decisions no mini trial can be conducted by the High Court in exercise of powers under Section 482 Cr.P.C. jurisdiction and at the stage of deciding the application under Section 482 Cr.P.C., the High Court cannot get into appreciation of evidence of the particular case being considered.”

9. Similar view was taken in *Minakshi Yadav vs. State of Uttar Pradesh, 2024 SCC Online 643*, wherein Hon’ble Supreme Court observed that the Court would not be justified in embarking upon an inquiry as to the reliability and genuineness or otherwise of the allegations made in the FIR or the complaint at the stage of quashing of the proceedings under Section 482 of Cr.P.C.

10. Reference can further be made to *Gian Singh vs. State of Punjab, (2012) 10 SCC 303*, wherein Hon’ble Supreme Court observed that the power of the High Court in quashing a criminal complaint or an FIR, in exercise of its inherent jurisdiction, is distinct and different from the power

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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 accordance with the guidelines engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.

11. In *Neeharika Infrastructure vs. State of Maharashtra : 2021 SCC OnLine SC 315*, the Apex Court observed that the Courts ought to be cautious in exercising powers under Section 482 of Cr.P.C. They do have power to quash. The test is whether or not the allegations in the FIR disclose the commission of a cognizable offence? The merits of the allegations are not to be entered into nor the power of the investigating agency to investigate into allegations involving the commission of a cognizable offence is to be trenched upon.

12. Similar position of law was reiterated by Hon'ble Supreme Court in *Ajay Malik vs. State of Uttarakhand, 2025 SCC OnLine SC 185*, wherein it was observed as follows:

“8. It is well established that a High Court, in exercising its extraordinary powers under Section 482 of the CrPC, may issue orders to prevent the abuse of court processes or to secure the ends of justice. These inherent powers are neither controlled nor limited by any other statutory provision. However, given the broad and profound nature of this authority, the High Court must exercise it sparingly. The conditions for invoking such powers are embedded within Section 482 of the CrPC itself, allowing the High Court to act only in cases of clear abuse of

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process or where intervention is essential to uphold the ends of justice.

9. It is in this backdrop that this Court, over the course of several decades, has laid down the principles and guidelines that High Courts must follow before quashing criminal proceedings at the threshold, thereby preempting the Prosecution from building its case before the Trial Court. The grounds for quashing, inter alia, contemplate the following situations : (i) the criminal complaint has been filed with mala fides; (ii) the FIR represents an abuse of the legal process; (iii) no prima facie offence is made out; (iv) the dispute is civil in nature; (v.) the complaint contains vague and omnibus allegations; and (vi) the parties are willing to settle and compound the dispute amicably (*State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335*.)”

13. It is also well settled that if charges are framed in accordance with Section 240 of Cr.P.C. on finding that a prima facie case stands made out, the persons arraigned may, if he feels aggrieved, invoke the revisional jurisdiction of the High Court or the Sessions Judge to contend that the charge-sheet submitted under Section 173 CrPC and documents sent with it did not disclose any ground to presume that he had committed any offence for which he is charged and the revisional court if so satisfied can quash the charges framed against him. It would not be justified for the High Court to invoke inherent jurisdiction under Section 482 of Cr.P.C. to quash the same except in rare cases. In this context, reference can also be made to In *Minakshi Bala vs. Sudhir Kumar, (1994) 4 SCC 142: 1994 SCC (Cri) 1181*, wherein it was observed by Hon’ble Supreme Court that once the Competent Court has framed the charges, the person aggrieved may invoke

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the revisional jurisdiction and the High Court should not exercise its inherent jurisdiction under Section 482 of Cr.P.C., except in the rare cases. Reliance can also be placed upon *Naresh Kumar and others vs. State of Himachal Pradesh and others, 2023 STPL 2994 HP*, where in FIR was sought to be quashed but the order framing charge and other orders passed by the trial Court taking cognizance were not challenged. It was observed by the High Court of Himachal Pradesh that in the absence of any specific challenge to the investigation conducted by the police and orders passed by the Court of competent jurisdiction, whereby the cognizance was taken and thereafter the charges were framed, the FIR in question should not be quashed. It was also noticed that most of the prosecution witnesses had already been examined. The prayer made by the accused to quash the FIR was declined.

14. On applying the parameters as laid down by the Hon'ble Supreme Court in aforecited judgments to the peculiar facts of this case, it may be stated that at the time of filing of this petition, challan had been presented and even charges have been framed and the matter was listed for recording statements of the prosecution witnesses. As of now, 12 prosecution witnesses out of total 14 have been examined before the learned trial Court. The petitioner has not specifically challenged the charges as framed against her nor the orders taking cognizance of the offences have been challenged. As such, this Court need not exercise its jurisdiction under Section 482 of Cr.P.C. to hold enquiry into the factual aspects of the case, or to embark upon the question whether the evidence in question is reliable or not since that is the function of the trial Judge. The judicial process, no

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doubt, should not be an instrument of oppression or needless harassment. The Court should be circumspect and judicious in exercising discretion and the provision of Section 482 of Cr.P.C. is not to be treated as an instrument handed over to an accused to short circuit a prosecution and bring about its sudden death. As such, no case for exercising the extraordinary jurisdiction under Section 482 of Cr.P.C. is made out. Accordingly, the present petition is dismissed.

15. Miscellaneous application(s), if any, also stand disposed of.

02.09.2025*Wassem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*