

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRM(M) No. 28/2021

CrIM No. 115/2021

Date of pronouncement:- 29.01.2026

Date of uploading:- 31.01.2026

Gajinder Singh and Anr.

..... Petitioner(s)/ Appellant(s)

Through: Mr. Dinesh Verma, Advocate

vs

UT of J&K and Anr.

..... Respondent(s)

Through: None

CORAM: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER(ORAL)

29.01.2026

01. Petitioners have invoked inherent jurisdiction of this Court under Section 482 of Code of Criminal Procedure for quashment of FIR No. 0001 of 2021 dated 03.01.2021 registered with Police Station Miran Sahib for offences under Section 420 and 120-B IPC.

02. Background facts of the case are that private respondent namely Jagandeep Singh, lodged impugned FIR alleging, *inter alia*, that in January 2021, his friend petitioner No.1 and petitioner No.2 father of petitioner No.1 met him in a marriage function. He told them that he was in search of some job. Petitioners told him that they were running a business of sponsoring and providing jobs to educated unemployed persons in foreign countries and charge Rs.12.00 lac per candidate to manage the job in Canada and for providing Visa, but cost of the ticket is to be managed by the individual. He fell prey to the allurements of the petitioners. A financier namely Ajay Kumar contacted one Ritu Gupta, W/O Sunil Kumar Gupta, to manage amount for him and on 12.12.2020 the said financier

transferred Rs.2.00 lacs through RTGS to his account with JKB Miran Sahib and same day said Ritu Gupta, W/O Sunil Kumar Gupta transferred Rs.6.00 lacs through RTGS in his account in JKB Branch Miran Sahib and Rs.5,20,000 in his account with Punjab and Sind Bank, Branch Simbal Morh. Thereafter, he transferred Rs.2,50,000 from his account to the account of petitioner No.1 firm M/s Celebration and paid cash of Rs.9,50,000 to the petitioners/accused from his residence on 13.12.2020, in the presence of Pardeep Singh S/o Surjit Singh and Ranjit Singh S/o Duni Singh both R/o Ward No.1 Simbal Camp, Tehsil R. S. Pura. The complainant produced the statements of account of concerned banks to prove the transaction of amounts between Ajay Kumar Gupta to his account and from his account to the account of the petitioners/accused. According to the complainant, the petitioners jointly received Rs.12.00 lacs from him and also obtained his passport. His allegation is that thereafter, neither petitioners/accused could manage the job nor Visa for him. Earlier the petitioners used to make excuses and finally on 09.09.2020, they threatened him with dire consequences. On the receipt of this report, impugned FIR came to be registered against the petitioners.

03. Petitioners are aggrieved of impugned FIR primarily on the ground that it is a counter blast to a compliant preferred by petitioner No.2 against the private respondent under Section 138 Negotiable Instrument Act before the Crime Branch.

04. The respondent/UT on the other hand, is affront with the contention that allegations contained in the impugned FIR *prima facie* disclose the commission of cognizable offences against the petitioners.

05. Heard learned counsels for the parties and perused the record.

06. Section 482 Cr.P.C. recognizes and preserves the powers, which are inherent in the High Court, to prevent abuse of the process of any court or to secure the ends of justice. It is a reminder to the High Court that it is a court of justice not merely in law but possess inherent powers to remove injustice. It is trite that while inherent power of the High Court envisaged under Section 482 Cr.P.C. has a wide ambit and plenitude, but it has to be exercised; (i) to give effect to an order under the Code; (ii) to secure the ends of justice; and (iii) to prevent the abuse of process of the court. In the circumstances, High Court is obliged to evaluate whether ends of justice would justify the exercise of the powers which inhere in it, before it embarks to form an opinion whether a criminal proceeding or a complaint or an FIR could be quashed or not.

07. The petitioners have questioned the impugned FIR on the predominant premise that it is a counter blast to the complaint filed by petitioner No.2 against the complainant.

08. In legal parlance, a Counterblast Case refers to a situation where criminal cases are lodged by the parties against each other which generally, trace their origin to the same occurrence. In essence, it is a situation of reciprocal accusations, meaning thereby is that one party files a case against another, which is followed by a counter case by the accused against the complainant. Such a situation arises when parties retaliate against each other with allegations and counter allegations or counter criminal proceedings to wreck vengeance or to feed fat the grudge. The party retaliate a criminal case against him to respond to a perceived wrong or injury to settle personal score rather than genuine pursuit of

justice. In the circumstances, the courts must examine the timing and context of the cases in order to determine if they were indeed filed as a Counterblast or there is any legitimate ground to proceed.

09. An FIR cannot be dismissed merely because it follows the filing of a civil or criminal proceeding. Each case has to be evaluated on its specific facts, the intent behind the FIR sought to be quashed and the surrounding circumstances. However, if an FIR is filed shortly after a civil or a criminal proceedings, it must be scrutinized for ulterior motives. We need to understand that the determination as to whether an FIR is a Counterblast or not, often involves a disputed question of fact which cannot be resolved by the High Court in exercise of its inherent jurisdiction, under Section 482 Cr.PC and such determination should be left to the wisdom of the trial court.

10. Allegations against petitioners are that they promised to arrange Visa and provide job to the complainant in a foreign country against payment of Rs.12.00 lacs, which was credited into their account from time to time and evident from the Bank statements produced by the complainant before the investigating agency.

11. These allegations prima facie disclose the commission of cognizable offences against the petitioners. While examining an FIR or a complaint which is sought to be quashed under Section 482 Cr.P.C. High Court cannot embark upon an enquiry as to the genuineness or otherwise of the allegations contained therein. In other words, this Court in exercise of its criminal jurisdiction, under Section 482 Cr.P.C. cannot go into the merits of the allegations contained in the FIR or

the complaint and criminal proceedings cannot be terminated at the initial stage by the High Court under Section 482 Cr.P.C.

12. Having regard to what has been observed and discussed above, present petition, being devoid of merit, is dismissed along with connected CM(s).

13. Interim direction, if any, shall stand vacated. The investigating Officer shall be at liberty to investigate the case and file a report in the competent court.

(Rajesh Sekhri)
Judge

Jammu
29.01.2026
Riya Kochhar

