



129 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31924-2021(O&M)

Reserved on: 18.08.2026

Date of Pronouncement: 26.08.2026

Krishan Kumar Bhatia and others

...Petitioners

vs.

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Raj Kumar Malik, Advocate
for the applicant-third party in CRM-22675-2026

Mr. Vishal Aggarwal, Advocate with
Mr. G.S.Sarao, Advocate and
Ms. Aastha Sharma, Advocate
for the non-applicants/petitioners in CRM-33279-2026.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J.**CRM-33279-2026**

1. Application is allowed as prayed for, subject to just all exceptions.
2. Annexure P-39 is taken on record.

Main case

1. The petitioners have filed the present petition under Section 482 of Cr.P.C. with a prayer to quash the FIR No.117 dated 18.07.2014 under Sections 420, 465, 467, 468, 471, 120-B of IPC, registered at Police Station Ladhowal, Ludhiana City and all subsequent proceedings arising therefrom.



2. The FIR in the present case was registered on the basis of the statement made by Gurcharan Singh, respondent No.2 and the same has been reproduced below:-

“FIR No.117 dated 18.07.2014, under Sections 420, 465, 467, 468, 471, 120B IPC, registered at Police Station Ladhowal, District Ludhiana. At this time an application number UI 521671 dated 13/05/2014 and 157-5 DA DCP 3 dated 24/05/2014 has been received from Gurcharan Singh son of late Ajaib Singh resident of House No. 400 - A Green Avenue Amritsar at present resident of House No. 1505 sector 33-B Chandigarh by post to CPO Ludhiana Police Station the details of which are given as under to the additional the Commissioner of police-3 Ludhiana. Subject for taking action against the accused for having got the fake sale deed registered and thus having cheated the applicant. Sir it is submitted that on 22/05/1974 we had bought land measuring 75 kanals 4 marlas situated in village Bhattian, Ludhiana from Surinder Sehgal son of Kharaiti Ram, resident of 887, Sarojini Nagar, New Delhi. I had got four sale deeds qua the said land registered out of which 2 were in my name and 2 were in the name of my mother Shreemati Gurnam Kaur and had also taken the possession of the said land. I had given the power of attorney regarding this land to my father-in-law Sh. Joginder Singh Pannu retired DSP which was only for the purpose of looking after the said land and no power of sale had been given. I had grown poplar trees in the same and had kept a person Jangir Singh resident of Badewal for looking after the same. That after his death I had given the said land to Hargopal son of Uddo Ram resident of Village Bhattian for cultivation. In the year 2012 we came to know that Krishan Lal Bhatia son of Daulat Rani resident of House No. 18, Upkar Nagar Civil Lines Ludhiana in connivance with his family had got prepared fake sale deeds in his name in the year



1982 whose mutation has not been entered in his name till date. They have prepared fake death certificates qua me and my mother Gurnam Kaur. In the year 1991 cultivator Hargopal had filed a case against me and my mother in the Hon'ble High Court and had obtained a stay order. In that also we were shown as owners and in case Krishan Lal Bhatia would have been the owner then the state should have been against them. I and my mother are still alive but they have prepared fake death certificates qua us and got the sale deed registered. They are trying to take forcible possession of her land and therefore we are giving this information. Krishan Lal Bhatia and his brothers who have got the fake sale deed registered qua land, strict legal action be taken against them I shall be highly thankful to you. Signed retired Brigadier Gurcharan Singh son of Sh. Ajaib Singh, resident of House No. 400 A Green Avenue Amritsar at present resident of House No. 1505, Sector 33 B, Chandigarh.”

3. Learned counsel for the petitioners has vehemently argued that the present FIR (Annexure P-1) is based on totally wrong facts and even during the course of investigation, the police had deliberately overwhelming the documentary evidence, which proved the innocence of the petitioners. In fact, respondent No.2 was the owner in possession of the land measuring 66 Kanals and 15 marlas situated in Village Bhatian, District Ludhiana. Since the complainant/respondent No.2 was unable to look after his property and land, he had executed a registered General Power of Attorney (for short ‘GPA’) in favour of Joginder Singh Pannu, who was father-in-law of respondent No.2. As per the said registered GPA dated 11.01.1982, Joginder Singh Pannu had all the powers to sale, gift, exchange, lease or transfer the land in question by executing various deeds in this regard. Consequently, in the year 1982 itself, vide



registered sale deeds (Annexures P-2 to P-8), Joginder Singh Pannu had sold the land in question to the petitioners. He further contends that the relations between respondent No.2 and Joginder Singh Pannu were cordial and the entire sale deed consideration was paid by Joginder Singh Pannu to the respondent No.2/complainant. In the year 1982 itself for several years, the petitioners were continuing as owners in possession over the land in question and had been cultivating the same. Learned counsel has referred to the Jamabandi (Annexures P-10 to P-16) to contend that even in the revenue record, the names of the petitioners were recorded as owners in possession since 1982. Even, the latest girdawari (Annexure P-17) clearly showed the petitioners in the column of cultivators. Learned counsel for the petitioners has further argued that in the year 2007, i.e. after about 25 years, one Ratan Singh claimed himself to be the owner by forging a Will dated 15.10.1985 and a GPA. However, the petitioners had lodged one FIR No.353 dated 27.12.2007 under Sections 420, 467, 468, 471 of IPC, Police Station Division No.5, Ludhiana against Ratan Singh and challan (Annexure P-18) was filed against him. Even respondent no.2 and his mother also made their statements (Annexures P-19 and P-20) under Section 161 Cr.P.C. to say that the petitioners had purchased the land in question in the year 1982. Even statement of Anil Kumar Patwari (Annexure P-21) was also recorded by the police, who categorically stated that the land stand in the name of the petitioners since the year 1982. Apart from that, even after several years, respondent No.2 illegally wanted to grab the land and tried to make efforts on several occasions. Later on, he got the present FIR registered by wrongly alleging that the land was illegally transferred in the name of the present



petitioners. Even the FIR was got registered by respondent No.2 after several years of death of his father-in-law, Joginder Singh Pannu only with the sole intention of grabbing the land of the petitioners, who were continuing as owners in possession since 1982.

4. On the other hand, in compliance of order dated 13.07.2026 passed by this Court, reply by way of an affidavit of Deputy Commissioner of Police, (Investigation), Ludhiana has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel could not dispute the factual submissions made by learned counsel for the petitioners. However, he stated that the preparation and use of forged and fabricated documents, including forged death certificate and power of attorney were subject matter of evidence before the trial Court and both the parties should be given chance by the trial Court to lead their respective evidence. However, it was admitted that at the time of registration of the FIR, the Commissioner of Police had directed that the questioned signatures appearing on the disputed power of attorney and other relevant documents should be sent to the FSL for scientific comparison, during the course of investigation. However, the then IO failed to obtain the comparison of disputed signatures from FSL and instead obtain a report regarding forgery from a private expert and proceeded to present the challan before the Court of Area Magistrate.

5. On the other hand, learned counsel appearing on behalf of applicants, namely, Gurpreet Singh Grewal, Manjit Kaur and Sandeep Kaur Pannu has vehemently opposed the submissions made by the petitioners by alleging that the FSL report had disclosed that the signatures of Joginder Singh



Pannu on the alleged GPA dated 11.01.1982 (Annexure P-9) were not genuine. However, he could not produce the FSL report showing the said fact. Learned counsel further submitted that respondent No.2 was not personally in a position to manage and maintain the above property and had sold his land in favour of Raghbir Singh Grewal, vide agreement to sell dated 28.05.2014. However, Raghbir Singh Grewal had also died and the applicants were the surviving Legal Heirs of Raghbir Singh Grewal.

6. I have heard learned counsel for the parties and perused the record carefully.

7. In the various judgments passed by the Hon'ble Supreme Court and this Court, it has been held repeatedly while referring to the provisions of Section 482 Cr.P.C. that nothing under the Code of Criminal Procedure shall deem to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code or to prevent the abuse of the process of any Court or otherwise to secure the ends of justice. The Hon'ble Supreme Court in the matter of ***Ajay Mitra Vs. State of M.P. & others, 2003(3) SCC 11***, has held as follows:-

“Leave granted.

These appeals by special leave are directed against the judgment and order dated January 16, 2002 of High Court of Madhya Pradesh, by which three Petitions filed by the appellants under Section 482 Cr.P.C. were dismissed.

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Thereafter, the appellants filed three Criminal Miscellaneous Petitions under Section 482 Cr.P.C. before the High Court for quashing of the FIR and the proceedings of the case before the



learned Magistrate. After hearing the parties, the High Court held that the investigation had not yet commenced in connection with the FIRs which had been registered at the Police Station and, therefore, the Petitions were pre-mature and accordingly all the three Petitions were rejected.

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*The High Court has held that the Petitions filed by the appellants for quashing the complaint and the FIRs registered against them are pre-mature. The question which arises is that where the complaint or the FIR does not disclose commission of a cognizable offence, whether the same can be quashed at the initial stage? This question was examined by this Court in **State of West Bengal & Ors. V. Swapan Kumar Guha & Ors., AIR 1982 Supreme Court 949** and it was held that the First Information Report which does not allege or disclose that the essential requirements of the penal provision are prima facie satisfied, cannot form the foundation or constitute the starting point of a lawful investigation. It is surely not within the province of the police to investigate into a Report (FIR) which does not disclose the commission of a cognizable offence and the code does not impose upon them the duty of inquiry in such cases. It was further held that an investigation can be quashed if no cognizable offence is disclosed by the FIR. The same question has been considered in **State of Haryana & Ors. V. Ch. Bhajan Lal & Ors. 1991(3) RCR (Criminal) 383 (SC)** and after considering all the earlier decisions, the category of cases, in which the Court can exercise its extra-ordinary power under Article 226 of the Constitution or the inherent power under Section 482 Cr.P.C. either to prevent abuse of the process of any Court or to secure the ends of justice, were summarized in para 108 of the Report and sub- paras 1 to 3 thereof are being reproduced hereinbelow:*



"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 F.I.R. do not 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."

8. The said judgment by the Three Judges Bench of the Hon'ble Supreme Court had affirmatively held that where an FIR does not disclose the essential requirements of the penal provision or does not disclose the commission of a cognizable offence, the same can be quashed at the initial stage. Reference has also been made to the judgment of Hon'ble Supreme Court in case **"State of Haryana and others Vs. Ch. Bhajan Lal & Ors., 1991(3) RCR (Criminal) 383"**, in which, it was observed that the High Court can exercise its extraordinary power under Article 226 of the Constitution or the inherent power under Section 482 Cr.P.C. 1973 either to prevent abuse of the process of any Court or to secure the ends of justice.

9. The Hon'ble Supreme Court of India in **"R Kalyani vs. Janak C. Mehta"** reported as **2009 (1) SCC 516** has held as under:

"Leave granted.



2. Appellant lodged a First Information Report (FIR) against the respondents on or about 4.1.2003 under Sections 409, 420 and 468 read with Section 34 of the Indian Penal Code.

3. First and second respondent approached the High Court for an order for quashing of the said FIR as also the investigation initiated pursuant thereto or in furtherance thereof. The High Court allowed the said proceedings by reason of the impugned order dated 29.4.2004. Mr. K.K. Mani, learned counsel appearing on behalf of the appellant, would, in support of the appeal, contend :

(1) The High Court exercised its inherent jurisdiction under Section 482 of the Code of Criminal Procedure wholly illegally and without jurisdiction insofar as it entered into the disputed questions of fact in regard to the involvement of the respondents as the contents of the first information report disclose an offence of cheating, criminal breach of trust and forgery.

(2) While admittedly the investigation was not even complete, the High Court could not have relied upon the documents furnished by the defendants either for the purpose of finding out absence of mens rea on the part of the applicants or their involvement in the case.

(3) Respondent Nos.1 and 2 herein being high ranking officers of M/s. Shares and Securities Ltd., a company dealing in shares, were vicariously liable for commission of the offence being in day to day charge of the affairs thereof.

(4) An offence of forgery being a serious one and in view of the fact that the respondent No.2 forwarded a letter purporting to authorise the accused No.3 to transfer shares to the National Stock Exchange, he must be held to have the requisite intention to commit the said offence along with the respondent No.3.



(5) In any view of the matter, the respondent No. 3 being not an applicant before the High Court, the entire criminal prosecution could not have quashed by the High Court.

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*In **Hamid v. Rashid alias Rasheed & Ors. [(2008) 1 SCC 474]**, this Court opined :*

"6. We are in agreement with the contention advanced on behalf of the complainant appellant. Section 482 Criminal Procedure Code saves the inherent powers of the High Court and its language is quite explicit when it says that nothing in the Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under the Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. A procedural Code, however exhaustive, cannot expressly provide for all time to come against all the cases or points that may possibly arise, and in order that justice may not suffer, it is necessary that every court must in proper cases exercise its inherent power for the ends of justice or for the purpose of carrying out the other provisions of the Code. It is well established principle that every Court has inherent power to act ex debito justitiae to do that real and substantial justice for the administration of which alone it exists or to prevent abuse of the process of the Court."

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One of the paramount duties of the Superior Courts is to see that a person who is apparently innocent is not subjected to persecution and humiliation on the basis of a false and wholly untenable complaint.

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A vicarious liability can be fastened only by reason of a provision of a statute and not otherwise. For the said purpose, a legal fiction has to be created. Even under a special statute when the vicarious



criminal liability is fastened on a person on the premise that he was incharge of the affairs of the company and responsible to it, all the ingredients laid down under the statute must be fulfilled. A legal fiction must be confined to the object and purport for which it has been created. In Sham Sunder & Ors. v. State of Haryana [(1989) 4 SCC 630], this Court held :

"9. But we are concerned with a criminal liability under penal provision and not a civil" liability. The penal provision must be strictly construed in the first place. Secondly, there is no vicarious liability in criminal law unless the statute takes that also within its fold. Section 10 does not provide for such liability. It does not make all the partners liable for the offence whether they do business or not."

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27. If a person, thus, has to be proceeded with as being vicariously liable for the acts of the company, the company must be made an accused. In any event, it would be a fair thing to do so, as legal fiction is raised both against the Company as well as the person responsible for the acts of the Company.

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30. The appeal is dismissed with the aforementioned observations."

10. In the present case, it is apparent from Annexure P-9 i.e. registered GPA dated 11.01.1982 that respondent No.2 had authorized his father-in-law, Joginder Singh Pannu to look after his land situated in village Bhattian as he was unable to look after the property. Even respondent No.2 had authorized his father-in-law to sale, gift, exchange, lease, transfer the said land to other persons. Consequently, it has been wrongly alleged in the FIR that Joginder Singh Pannu was not authorized by respondent No.2 to sell the land in question.



Rather, it appears that the FIR is based on concealment of facts and does not depict the correct picture. On the strength of registered GPA dated 11.01.1982 (Annexure P-9), Joginder Singh Pannu had executed various sale deeds (Annexures P-2 to P-8) in favour of the petitioners and they were continuing as owners in possession over the land in question since the year 1982. Even it is also apparent from the Jamabandi (Annexures P-10 to P-16) that all the petitioners were in cultivating possession over the land in question and were shown as owners of the land. Even as per the latest Khasra Girdawari (Annexure P-17), the petitioners were shown to be the cultivators in the column of cultivation. However, surprisingly, after about 32 years of the execution of the registered sale deed by the father-in-law of respondent No.2, he managed to get the present FIR registered by colluding with the local police. It is also apparent that while registering the case, the Commissioner of Police, Ludhiana had directed the concerned Investigating Officer to get a report from the FSL for the comparison of signatures of Joginder Singh Pannu on the registered GPA, which is admitted signatures. However, the Investigating Officer of the case obtained the expert report regarding his signatures from a private expert and challan was presented against the petitioners in a hurry, by completely overlooking the delay in registration of the FIR, revenue documents, sale deeds and other documentary evidence, which established that the petitioners were continuing as owners in possession since last 32 years.

11. At this stage, this Court also expresses its displeasure that now a new team of land grabbers wants to challenge the valid title of the petitioners and moved, an application No.CRM-22675-2026 with the prayer to implead



respondents No.3 to 5 in the present case. It has been alleged that respondent No.2 had executed some agreement to sell in favour of Raghbir Singh Grewal on 28.05.2014 and thereafter, three persons, namely, Gurpreet Singh Grewal, Manjit Kaur and Sandeep Kaur Pannu have moved various applications before this Court, claiming themselves to be the surviving LR's of Raghbir Singh Grewal. In fact, Gurcharan Singh, respondent No.2 had already sold the land to the petitioners in the year 1982, through his GPA Joginder Singh Pannu (father-in-law) and could not have executed any agreement to sell with regard to the said land in the year 2014. Consequently, the application i.e. CRM-22675-2026 filed by such land grabbers/applicants is totally misconceived and abuse of the process of the Court and accordingly dismissed.

13. In view of the above discussion, the present petition is allowed and FIR No.117 dated 18.07.2014 under Sections 420, 465, 467, 468, 471, 120-B of IPC, registered at Police Station Ladhawal, Ludhiana City and all subsequent proceedings arising therefrom are ordered to be quashed qua petitioners only.

14. Pending application, if any, stands also disposed of.

26.08.2026

hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No