

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

**CRM-M-34874 of 2015 (O&M)
Date of Decision: 12.10.2015**

Priya Grover

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sandeep Verma, Advocate
for the petitioner.

1. To be referred to the Reporters or not? Yes
2. Whether the judgment should be reported in the Digest?

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner, by way of instant petition, under Section 482 of the Code of Criminal Procedure ('Cr.P.C.' for short), seeks quashing of FIR No. 116 dated 25.3.2014 under Sections 406/420/120-B of the Indian Penal Code ('IPC' for short), registered at Police Station DLF, Phase-II Gurgaon and the subsequent criminal proceedings arising therefrom.

Learned counsel for the petitioner submits that petitioner had no role to play. The offence, if at all, was committed by husband of the petitioner. He further submits that allegations against the

petitioner are general in nature. In such a situation, even if the allegations levelled in the impugned FIR are taken to be true on their face value, no offence whatsoever, is made out against the petitioner. He concluded by submitting that since there is no chance of recording the conviction of the petitioner, the impugned FIR is liable to be quashed. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of case and giving thoughtful consideration to the contentions raised, this Court is the considered opinion that keeping in view the totality of facts and circumstances of the case, instant one has not been found to be a fit case warranting interference at the hands of this Court, while exercising its inherent jurisdiction under Section 482 Cr.P.C. To say so, reasons are more than one, which are being recorded hereinafter.

A bare perusal of the impugned FIR would show that allegations levelled against the petitioner are direct and serious. During the course of investigation, petitioner has been found to be a Director of the company and joint owner of house No. 9/16 DLF, phase-II. As per allegations levelled in the impugned FIR, an amount of ₹2.46 crores was received by the accused persons. Petitioner had complete knowledge of each and every fact and allegations levelled against her.

An amount of ₹65 lacs was transferred through RTGS on dated 27.6.2013 and an amount of ₹1,81,00,000/- was received in cash. The abovesaid amount was received in the presence of the petitioner. The amount was paid to the company known as M/s

Frontline Builtwell Pvt. Ltd., of which the petitioner is one of the Directors.

It is also the allegation against the petitioner that the amount was deposited in account No. 00442320003274 in HDFC bank and the petitioner is joint holder of the said account. Different amounts were deposited in this account on different dates. This was the reason that during the course of investigation, offence under Section 120-B IPC was added and thereafter, supplementary challan under Section 173 (8) Cr.P.C. was presented. Having said that, this Court feels no hesitation to conclude that it cannot be said that even if the allegations levelled against the petitioner in the impugned FIR are taken to be true on their face value, no offence whatsoever is made out against the petitioner, as sought to be argued on behalf of the petitioner. In this view of the matter, petitioner has not been found entitled to invoke the inherent jurisdiction of this Court under Section 482 Cr.P.C., for quashing the impugned FIR.

So far as sufficiency of evidence for the purpose of recording conviction is concerned, it is not the issue for consideration before this Court and this Court refrains itself from making any further observation on merits of the case, at this stage, lest it should prejudice the rights of either of the parties. It is so said because it will be exclusive domain of the learned trial court to examine and appreciate the evidence for the purpose of arriving at the just decision.

So far as question of quashing of the impugned FIR is concerned, the present case has not been found to be covered by any of the seven broad principles laid down by the Hon'ble Supreme

Court in **State of Haryana Vs. Bhajan Lal and others, AIR 1992 SC**

604. In an identical fact situation, the Hon'ble Supreme Court in the case of **Arun Bhandari Vs. State of U.P. And others, 2013 (2) SCC 801**, held as under:-

*“In **R. Kalyani v. Janak C. Mehta and others (2009) 1 SCC 516**, after referring to the decisions in **Hamida v. Rashid, 2007 (2) RCR (criminal) 917** and **State of Orissa v. Saroj Kumar Sahoo 2006 (1) RCR (criminal) 324**, this Court eventually culled out the following propositions: -*

“15. Propositions of law which emerge from the said decisions are:

- a. The High Court ordinarily would not exercise its inherent jurisdiction to quash a criminal proceeding and, in particular, a first information report unless the allegations contained therein, even if given face value and taken to be correct in their entirety, disclosed no cognizable offence.*
- b. For the said purpose the Court, save and except in very exceptional circumstances, would not look to any document relied upon by the defence.*
- c. Such a power should be exercised very sparingly. If the allegations made in the FIR disclose commission of an offence, the Court*

shall not go beyond the same and pass an order in favour of the

accused to hold absence of any mens rea or actus reus.

d. If the allegation discloses a civil dispute, the same by itself may not be a ground to hold that the criminal proceedings should not be allowed to continue.”

It is worth noting that it was observed therein that one of the paramount duties of the superior court is to see that person who is absolutely innocent is not subjected to prosecution and humiliation on the basis of a false and wholly untenable complaint.

*Recently in **Gian Singh v. State of Punjab and another 2012 (4) RCR (criminal) 543**, a three-Judge Bench has observed that:*

“55. In the very nature of its constitution, it is the judicial obligation of the High Court to undo a wrong in course of administration of justice or to prevent continuation of unnecessary judicial process. This is founded on the legal maxim quando lex aliquid alicui concedit, conceditur et id sine qua res ipsa esse non potest. The full import of which is whenever anything is authorised, and especially if, as a matter of duty, required to be done by law, it is found impossible to do that thing

unless something else not authorised in express terms be also done, may also be done, then that something else will be supplied by necessary intendment. Ex debito justitiae is inbuilt in such exercise; the whole idea is to do real, complete and substantial justice for which it exists. The power possessed by the High Court under Section 482 of the Code is of wide amplitude but requires exercise with great caution and circumspection.”

The abovesaid view was taken by this Court in another similar case in CRM-M-8856 of 2012 (Balwant Singh Kaler Vs. State of Punjab) decided on 23.3.2015.

Coming to the fact situation obtaining in the present case and respectfully following the law laid down in the cases referred to hereinabove, it is unhesitatingly held that under no circumstances, it can be said that even after treating the allegations levelled in the impugned FIR to be true on their face value, without adding anything thereto and without subtracting anything therefrom, no case is made out against the petitioner. Thus, petitioner cannot claim complete innocence and the legitimate prosecution cannot be quashed by this Court.

Since the present case does not fall in any of the abovesaid broad principles carved out in Bhajan Lal's case (supra) and Arun Bhandari's case (supra), it can be safely concluded that petitioner has failed to make out any case for interference at the hands of this Court, while exercising its inherent jurisdiction under

Section 482 Cr.P.C.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

12.10.2015
Ak Sharma