

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

CRM-M-15182-2024

Decided On: 02.04.2024

KALPANA VATS

.....PETITIONER(s)

Versus

STATE OF HARYANA AND ANOTHER

.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Siwach, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.(Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.192 dated 22.07.2021 (Annexure P-1) under Section 420 of IPC registered at Police Station Khol, District Rewari.
2. Learned counsel for the petitioner *inter alia* contends that a false and frivolous case has been registered against the petitioner at the behest of complainant/respondent No.2. The FIR in question annexed as Annexure P-1 is in fact a result of manipulation and afterthought, with an oblique motive by the complainant to arm twist the petitioner into paying money to the complainant. Rather, the true facts of the case had been intentionally twisted by the complainant solely for monetary gains.
3. It has been further argued that in the month of September, 2019, the complainant through Satyavir s/o Sube Singh, with whom he has friendly relations, requested for a friendly loan of Rs.1,00,000/- from the petitioner. After

much persuasion from his friend Satyavir, the petitioner agreed to help the complainant and paid her an amount of Rs.1,00,000/- in cash. However, on 22.07.2021, an FIR was registered against the petitioner with a concocted story that the petitioner along with Satyavir s/o Sube Singh had received Rs.1,00,000/- and Rs.50,000/- respectively on the pretext of providing a government job to the complainant. Therefore, it was evident that the instant FIR was completely vexatious and liable to be quashed on the ground that the complainant had made material concealment in the FIR in question.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. Before proceedings further, it would be opposite to reproduce the FIR in question, which is as under:-

Statement of complainant, Satyavir s/o Sube Singh resident of Ningani was, got Rs.50,000/- from my house. He brought it and under false pretenses in the name of a government job, he introduced me to a girl named Kalpana and deposited Rs.10,000/- in her account and sent me to Delhi and kept giving rounds for one months. Sir, I had complained against them on 18.01.2021, no action is being taken against these people.

6. No doubt, vide powers have been conferred upon this Court under Section 482 Cr.P.C., however, the same must be exercised with a great deal of restraint and circumspection. The parameters which must be considered by this Court while considering a petition for quashing of an FIR have been squarely settled by Hon'ble the Supreme Court in a Catena of judgments. At this stage, only a prima facie case has to be seen and this Court while exercising its powers under 482 Cr.P.C., cannot be expected to go into the truthfulness or otherwise of

the allegations levelled in the FIR. The arguments raised by the petitioner qua his false implication cannot thus, be delved into at this stage as it would be a matter of trial. Prima facie there are specific allegations leveled against the petitioner of having lured the complainant into parting with Rs.1,00,000/- and Rs.50,000/- respectively on the pretext of providing her a government job. The petitioner would get ample opportunity to lead evidence in support of his case and demolish the case of the prosecution during trial.

8. Accordingly, the instant petition stands dismissed.
9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

02.04.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No