



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

119**CRM-M-50684-2024****Date of decision: 15.10.2024**

Anu Thakur

...Petitioner

V/s

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Gurinder Singh Chandel, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J.

1. Prayer in the instant petition filed under Section 482 of the Cr.P.C. and under Section 582 of the Bhartiya Nagrik Suraksha Sanhita, 2023 is for quashing of FIR No.43 dated 30.06.2024 under Section 420 of IPC registered at Police Station Qadian, District Batala.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, as the alleged offences are not made out against her. The learned counsel asserts that the entire narrative presented by the complainant is false and baseless. The allegations stem from a dispute over sending the daughter of the complainant abroad, for which a substantial amount of money was allegedly demanded. However, the complainant was fully informed in advance about the payment schedule and all services promised under the agreement were provided to her daughter. Learned counsel has further argued that the complainant's daughter was sent to Dubai, where she is currently residing, employed, and is well settled; this clearly demonstrates that all services were duly rendered by the petitioner. Additionally, the petitioner has no



previous criminal record and has been conducting her business in a sincere and professional manner. Learned counsel for the petitioner has also submitted that investigation is under way, and thus far, no incriminating evidence has emerged regarding the active involvement of the petitioner in any crime or any wrong doing towards the daughter of the complainant. Therefore, in the circumstances, the instant FIR deserves to be quashed as continuation of criminal proceedings would be a futile exercise.

3. I have heard learned counsel and perused the relevant material placed on record including the FIR which has been annexed as Annexure P-1.

4. While this Court is indeed vested with extraordinary powers under Section 482 of the Cr.P.C./528 of the BNSS, these powers must be exercised with caution and discretion. At this preliminary stage when admittedly the matter is still under investigation, the role of the Court is limited to determining whether the FIR in question discloses the commission of a cognizable offence. The Court cannot, at this juncture, delve into the defence put forth by the accused, nor can it take into consideration the material evidence presented by them.

5. It is settled law that an FIR should not be quashed at the initial stage, especially when the investigation is still underway. Furthermore, the FIR in question *prima facie* discloses the commission of a cognizable offence. In the instant case, there are serious allegations against the petitioner of defrauding the complainant of an amount of Rs.2,40,000/- on the pretext of arranging for her daughter's travel abroad and securing a freelance/professional visa, which according to the assurance given, was not provided. Furthermore, there are



allegations of the petitioner detaining the daughter of the complainant forcibly, threatening her, and subjecting her to mistreatment upon her arrival in Dubai. Specific allegations have been made against the petitioner, who has been identified as the primary perpetrator of the entire crime in question.

6. Given that the FIR *prima facie* reveals the commission of a cognizable offence, this Court, at this stage cannot evaluate the veracity of the allegations made, nor can it entertain the defence arguments concerning the petitioner’s purported false implication. Furthermore, the petitioner has raised several disputed questions of fact, which cannot be addressed at this stage, as the investigation is still in progress.

7. In the light of the above, this Court is not inclined to exercise its inherent powers under Section 482 of the Cr.P.C./582 of the BNSS to quash the FIR in question.

8. Accordingly, the instant petition is dismissed. 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.

October 15, 2024
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(MANJARI NEHRU KAUL)
JUDGE

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