

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

122

2024:PHHC:040401
CRM-M-62246-2023
Date of decision: March 20th, 2024

Raj Bala Ahlawat and another
.....Petitioners

Versus

State of Punjab and another
.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sajjan Singh, Advocate
for the petitioners.

MANJARI NEHRU KAUL, J.

The instant petition is for quashing of FIR No.317 dated 27.09.2023 under Sections 406/420/506/120-B/34 of the Indian Penal Code, 1860, registered at Police Station Sector-06, Bahadurgarh, District Jhajjar and the subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner submits that a dispute of purely civil nature has been given a criminal complexion, and hence, on this ground alone, the FIR in question deserves to be quashed. It has been further submitted that the entire dispute emanates from a letter of intent and development agreement entered into between the parties. It has been further submitted that the complainant could not have straightaway gone for registration of an FIR as in the agreement, which was entered into between the parties, an arbitration clause had been incorporated, which mandated that any claim or dispute with respect to the agreement was to be finally settled by arbitration only.
3. On a pointed query put to the learned counsel as to what was the stage of trial, he has submitted that the matter is still pending investigation.

4. I have heard learned counsel for the petitioner and perused the relevant material on record.

5. No doubt, Section 482 of the Cr.P.C. confers extraordinary powers on this Court, however, the same must be exercised sparingly and with a great deal of circumspection. While considering the case for quashing of criminal proceedings, the Courts must be cautious to not stifle the prosecution at its inception. It needs to be emphasized that investigation of a case cannot be thwarted at a nascent stage. In this regard, it would be relevant to refer to the observations made by Hon'ble the Supreme Court in *M/s Neeharika Infrastructure Pvt. Ltd. Versus State of Maharashtra 2021 SCC Online SC 315*, wherein it was observed as under:-

“10. XXXX XXXX XXXX
v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;
vi) Criminal proceedings ought not to be scuttled at the initial stage;
vii) Quashing of a complaint/FIR should be an exception and a rarity than an ordinary rule;
XXXX XXXX XXXX”

6. In the circumstances, coupled with the law settled by Hon'ble the Supreme Court, no ground is made out to accept the prayer of the petitioners for quashing of the FIR in question at this stage when the matter is still pending investigation.

7. Accordingly, the instant petition is hereby dismissed.

8. 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.

March 20th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No