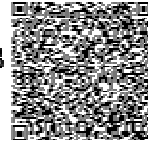


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-37893-2016 (O&M)

Date of decision : 30.10.2025

Pankaj Arora**...Petitioner****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. L. M. Gulati, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

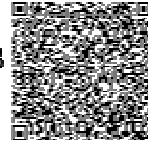
Mr. S. K. Kaushik, Advocate
for respondent No. 2/complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of the Code of Criminal Procedure (*for short* 'Cr.P.C.'), is for quashing of FIR No. 251 dated 30.03.2016, registered under Sections 406, 420, 467, 468, 471 and 120-B of IPC at Police Station Sadar Hisar, District Hisar along with all the subsequent proceedings having emanated therefrom.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint submitted by complainant Surender Singh, who was running a firm under the name of M/s Goodwill Tea and Industries, dealing in the business of packaging of tea leaves, alleging that the present petitioner Pankaj Arora along with co-accused Madan Gopal had approached him and had projected that they were having sufficient experience as salesmen and further that they knew some companies in the State of Punjab and could start

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business with him. They convinced the complainant to appoint them as salesmen in his firm. He further alleged that on 06.09.2014, the petitioner and co-accused Madan Gopal had introduced him with one Gulzari Lal by saying that he was proprietor of M/s GL & Sons, Amritsar and his firm could be made as super stockiest of the firm of the complainant. The complainant agreed to the same. A written agreement was executed between the complainant and the above said Gulzari Lal, whose firm was appointed as super stockiest. The said firm deposited an amount of Rs.2 Lakhs as security charges. The firm of the complainant had also transferred an amount of Rs.58,760/- as commission, freight charges and rent of godown. The goods of the firm of the complainant worth Rs. 19,39,966/- were sent to the firm of Gulzari Lal. However, at the time of payment, it was revealed to the complainant that the invoices were issued in the name of one firm namely Shivraj Agency and on enquiry, it was revealed that no such firm existed. The petitioner along with the co-accused Madan Gopal and Gulzari Lal had intentionally and dishonestly forged the bills showing dispatch/distribution of goods of the complainant in the name of the above said Shivraj Agency and sent those bills just to receive the money, thereby causing wrongful loss of huge amount of money to the complainant and cheating him. The petitioner along with the co-accused Madan Gopal had also criminally misappropriated an amount of Rs. 10 Lakhs, received from the complainant and therefore, the complainant prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. The petitioner secured benefit of anticipatory bail/regular bail. Investigation now stands completed and challan has been presented before the Court

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concerned.

3. It is argued by learned counsel for the petitioner that respondent No. 2/complainant wanted to promote sale of tea leaves and had approached the petitioner to be a super stockiest for the State of Punjab. He had been appointed as Area Sales Manager. An appointment letter was issued in his favour. He was to assist the super stockiest M/s G L & Sons, appointed by the firm of respondent No.2. He had worked with the firm of the complainant from September, 2014 to June, 2015. He was not paid his salary, which was fixed @ Rs. 20,000/- per month and was forced to resign on 30.06.2015. The ingredients for commission of subject offences have not been attracted against him at all. M/s Shivraj Agency is very much in existence and it has been wrongly alleged that it was non-existent. There is no prima facie involvement of the petitioner in commission of subject offences. The FIR has been lodged against him only to abuse the process of law. Chances of his conviction are bleak. With these broad submissions, it is urged that the FIR qua him deserves to be quashed.

4. The respondent No.1-State has filed reply by way of affidavit. Learned State counsel, assisted by learned counsel for respondent No. 2/complainant, has argued that the allegations in the FIR *prove prima facie* involvement of the petitioner in the commission of subject offences, along with the co-accused as he along with them had induced the complainant to appoint Gulzari Lal and his firm as super stockiest, had forged bills showing dispatch/distribution of goods of the complainant in the name of one M/s Shivraj Agency, which was a non-existent entity and had not only caused wrongful loss of money to the complainant, thereby cheating him, but also

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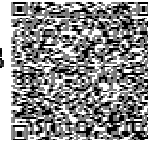


criminally misappropriated the amount belonging to the firm of the complainant and committed offence of criminal breach of trust and also of forgery by preparing forged documents/bills and using the same. It is argued that the petitioner has not been able to explain the supply of goods to the firm which was not in existence and in the garb of the same, had embezzled the money belonging to the complainant by preparing false cash memos etc. of a non-existent company. The veracity of the allegations as levelled against the petitioner can be tested in the trial which is already taking place before learned trial Court and no ground for quashing the FIR has been made out. Therefore, it is urged that the petition is liable to be dismissed.

5. The rival submissions made by the parties have been heard and given due deliberations by this Court, besides perusing the material placed on record carefully.

6. At the outset, it will be profitable to look into the scope and ambit of the Court's power under Section 482 Cr.P.C. (*which is pari materia with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023*) as spelt out in several judicial pronouncements of Hon'ble Supreme Court as well as different High Courts. The well settled proposition of law is that in exercise of inherent powers under Section 482 Cr.P.C., the High Court is not expected to analyze all the facts, which are to be placed before the High Court. The power conferred under this section is very specific. To secure the ends of justice, to prevent the abuse of process of Court or to make any such orders as may be necessary to give effect to any order under the Code, such power can be exercised to prevent abuse of process of Court. The Hon'ble Supreme Court has drawn up some guidelines in some categories of cases by

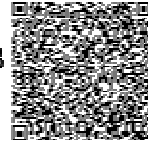
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way of illustration to circumscribe the exercise of inherent power under Section 482 of Cr.P.C. to prevent abuse of process of any Court or to secure the ends of the justice or to give effect to an order of the Court. A celebrated pronouncement on this point is the case cited as ***State of Haryana Vs. Bhajan Lal : 1992 SUPP (1) SCC 335***, wherein Hon'ble Supreme Court had discussed different categories of cases wherein the power under Section 482 Cr.P.C. could be exercised either to prevent abuse of process of law or otherwise to secure the ends of justice, while observing that it might not be possible to lay down any precise, clearly defined, sufficiently channelized, inflexible guidelines or rigid formulae and to give an exhaustive list or myriad kind of cases where such powers should be exercised. The following principles have been culled out:-

- “102 (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 FIR 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;
- (4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer

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without an order of a Magistrate as contemplated under Section 155 (2) of the Code;

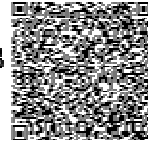
(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

7. The principles of law as laid down by Hon’ble Supreme Court in ***Bhajan Lal***’s case (supra) have been followed in a catena of judgments. In ***Paramjeet Batra vs. State of Uttarakhand, (2013) 11 SCC 673***, it was observed by Hon’ble Supreme Court that although the inherent powers of a High Court under Section 482 of the Code should be exercised sparingly and only for the purpose of preventing abuse of process of any Court or otherwise to secure ends of justice, yet, the High Court must not hesitate in quashing such criminal proceedings, where essential ingredients of the offence are not made out. In ***Mahendra K.C. vs. State of Karnataka, (2022) 2 SCC 129: (2022) 1 SCC (Cri) 401***, Hon’ble Supreme Court observed that the test to be applied is whether the allegations in the complaint, as they stand, without adding or detracting from the complaint, prima facie establish

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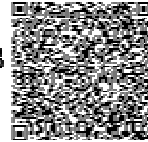


the ingredients of the offence alleged. At this stage, the High Court cannot test the veracity of the allegations, nor, for that matter, can it proceed in the manner that a judge conducting a trial would, based on the evidence collected during the course of the trial. In ***Priyanka Jaiswal vs. State of Jharkhand, 2024 SCC Online SC 685***, Hon'ble Supreme Court observed that the Court exercising extraordinary jurisdiction under Section 482 of Cr.P.C. cannot conduct a mini trial or enter into appreciation of evidence of a particular case. The following observations were made:

“13. We say so for reasons more than one. This Court in catena of Judgments has consistently held that at the time of examining the prayer for quashing of the criminal proceedings, the court exercising extra-ordinary jurisdiction can neither undertake to conduct a mini trial nor enter into appreciation of evidence of a particular case. The correctness or otherwise of the allegations made in the complaint cannot be examined on the touchstone of the probable defence that the accused may raise to stave off the prosecution and any such misadventure by the Courts resulting in proceedings being quashed would be set aside. This Court in the case of Akhil Sharda¹ held to the following effect:

“28. Having gone through the impugned judgment and order passed by the High Court by which the High Court has set aside the criminal proceedings in exercise of powers under Section 482 Cr.P.C., it appears that the High Court has virtually conducted a mini trial, which as such is not permissible at this stage and while deciding the application under Section 482 Cr.P.C. As observed and held by this Court in a catena of decisions no

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mini trial can be conducted by the High Court in exercise of powers under Section 482 Cr.P.C. jurisdiction and at the stage of deciding the application under Section 482 Cr.P.C., the High Court cannot get into appreciation of evidence of the particular case being considered.”

8. Similar view was taken in ***Minakshi Yadav vs. State of Uttar Pradesh, 2024 SCC Online 643***, wherein Hon’ble Supreme Court observed that the Court would not be justified in embarking upon an inquiry as to the reliability and genuineness or otherwise of the allegations made in the FIR or the complaint at the stage of quashing of the proceedings under Section 482 of Cr.P.C.

9. Reference can further be made to ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303***, wherein Hon’ble Supreme Court observed that the power of the High Court in quashing a criminal complaint or an FIR, in exercise of its inherent jurisdiction, is distinct and different from the power given to a criminal court for compounding the offences under [Section 320](#) of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accordance with the guidelines engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.

10. In ***Neeharika Infrastructure vs. State of Maharashtra : 2021 SCC OnLine SC 315***, the Apex Court observed that the Courts ought to be cautious in exercising powers under Section 482 of Cr.P.C. They do have power to quash. The test is whether or not the allegations in the FIR disclose the commission of a cognizable offence? The merits of the allegations are

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not to be entered into nor the power of the investigating agency to investigate into allegations involving the commission of a cognizable offence is to be trenched upon.

11. Similar position of law was reiterated by Hon'ble Supreme Court in *Ajay Malik vs. State of Uttarakhand*, 2025 SCC OnLine SC 185, wherein it was observed as follows:

“8. It is well established that a High Court, in exercising its extraordinary powers under Section 482 of the CrPC, may issue orders to prevent the abuse of court processes or to secure the ends of justice. These inherent powers are neither controlled nor limited by any other statutory provision. However, given the broad and profound nature of this authority, the High Court must exercise it sparingly. The conditions for invoking such powers are embedded within Section 482 of the CrPC itself, allowing the High Court to act only in cases of clear abuse of process or where intervention is essential to uphold the ends of justice.

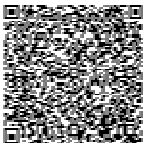
9. It is in this backdrop that this Court, over the course of several decades, has laid down the principles and guidelines that High Courts must follow before quashing criminal proceedings at the threshold, thereby preempting the Prosecution from building its case before the Trial Court. The grounds for quashing, inter alia, contemplate the following situations : (i) the criminal complaint has been filed with mala fides; (ii) the FIR represents an abuse of the legal process; (iii) no prima facie offence is made out; (iv) the dispute is civil in nature; (v.) the complaint contains vague and omnibus allegations; and (vi) the parties are willing to settle and compound the dispute amicably (*State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335).”

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12. Now adverting to the facts of the present case, the FIR in question was registered on the complaint filed by respondent No. 2 against the petitioner and co-accused making allegations of commission of offences punishable under Sections 406, 420, 467, 468, 471 and 120-B of IPC by them. The investigation in this case has been completed and challan has been presented. Charges have to be framed. On going through the contents of the FIR, it is revealed that the allegations clearly disclose a *prima facie* case against the petitioner, which justify the registration of criminal proceedings against him. It cannot be said that these allegations are bereft of even the basic facts, which are absolutely necessary for constituting a *prima facie* case for the offences alleged nor can it be said that the allegations made in the complaint, even if taken at face value to be true in entirety, do not disclose any offence. Rather, on appreciation of material on record on the touchstone of above said legal position, this Court finds that there are specific allegations in the FIR as against the present petitioner. In such circumstances, the instant case certainly does not fall within any of the categories of the cases calling for the exercise of power by this Court under Section 482 Cr.P.C. It appears that by seeking to quash the FIR and the criminal proceedings, the petitioner intends to stifle a legitimate prosecution. The judicial process, no doubt, should not be an instrument of oppression or needless harassment. The Court should be circumspect and judicious in exercising discretion and the provision of Section 482 of Cr.P.C. is not to be treated as an instrument handed over to an accused to short circuit a prosecution and bring about its sudden death. The allegations levelled in the FIR do not advance the case of the petitioner at this stage to seek quashing

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of the FIR. Disputed question of facts cannot be delved into by this Court at this stage to exercise jurisdiction under Section 482 Cr.P.C. to quash the FIR in question. Keeping in view the facts and circumstances of the case and discussion as made above, this Court finds no ground whatsoever to interfere at this stage for quashing of the FIR in question as well as the chargesheet filed in the same. The petition is accordingly dismissed.

14. It is, however, clarified that no observations made herein above are the reflection on the merits of the case and shall have no bearing on trial. The same are confined for the decision of the present petition only.

30.10.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No