



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

CRM-M No.5817 of 2018
Date of decision: 5th April, 2025

Sunita

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Varun Veer Chauhan, Advocate for the petitioner.

Mr. Karan Sharma, Dy. Advocate General, Haryana
for the respondent/State.

Mr. Ram Pal Verma, Advocate for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioner seeks invocation of the inherent powers of this Court under Section 482 of Cr.P.C. for quashing of FIR No.265 dated 16.05.2017 under Sections 420, 406, 506, 34 of the IPC registered at Police Station Ganaur, District Sonipat, primarily alleging her false implication in a case pertaining to fraudulent assurances of securing Government jobs in exchange for money.

2. As per allegations leveled in the FIR, annexed as Annexure P-1, complainant Ram Kumar, a retired Army Havildar, stated that he was induced by co-accused Pardeep Pehalwan into believing that the latter had connections capable of securing Government employment, specifically within the Haryana Police Department. Acting on this belief,

the complainant introduced his son and several acquaintances to the accused persons for purported recruitment in various Government positions.

3. Allegedly co-accused Rajesh Sharma and Pradeep Pehalwan demanded huge amounts of money - ₹24,00,000/- in total - under the pretext of securing Government appointments.

4. Crucially, it was alleged by the complainant that when the money was handed over, all the 3 accused, including the present petitioner were present. The petitioner was introduced to the complainant as a “*member of the SS Board*”, and her purported official status was presented as a guarantee that the promised appointments would be facilitated. The money, allegedly, was received in her presence, and part of it was handed over in her name, based on the assurance that she would ensure the recruitment process would be completed.

5. Upon the eventual failure of any of the promised appointments to materialize, and faced with evasive responses and threats from the accused when confronted, the complainant approached the police, resulting in the registration of the present FIR.

6. Learned counsel for the petitioner has vehemently argued that the petitioner has been falsely implicated and has no nexus with the alleged transaction. It is submitted that neither the complainant nor his family members were known to that petitioner, and her name has been introduced in the FIR only on account of her relationship with co-

accused Rajesh Sharma. Attention of this Court was drawn to a prior complaint dated 19.12.2016 submitted by the complainant at the CM Window, which named only co-accused Rajesh Sharma and Pradeep Pehalwan and made no mention of the petitioner. This complaint was subsequently withdrawn, as is evident from the report of the SP Sonipat dated 22.01.2017, annexed as Annexure P-3.

7. It is contended that the allegations against the petitioner in the FIR are vague and general, and no specific overt act has been attributed to her, except a bald assertion that she was introduced as a member of the SS Board. It is further submitted that the continuance of proceedings against the petitioner is nothing more than an abuse of the process of law, as no material collected during the investigation, or recorded at trial, is likely to result in a conviction. The petitioner, a woman, as per the learned counsel is alleged to have been dragged into the proceedings to exert pressure on other co-accused.

8. Per contra, learned State counsel, assisted by counsel for the complainant, has opposed the petition reiterating the serious allegations against the petitioner. It is submitted that the petitioner is not only specifically named in the FIR, but a definite role has been attributed to her. As per the learned counsel, the petitioner was present at the time the money was handed over, and was introduced as a member of the SS Board, which lent credibility to the promises made by the other accused. It was in her presence that ₹24,00,000/- were paid by the complainant and others.

9. It is further submitted that the trial is now at an advanced stage with several prosecution witnesses, including the complainant, having already testified before the trial Court, reiterating the allegations and confirming the presence as well as the role of the petitioner. It has been contended that the complainant had not mentioned anything pertaining to the involvement of the petitioner in the previous complaint filed at the CM Window as it was restricted to co-accused Pradeep Pelalwan and Rajesh Sharma, is a matter of trial, and cannot be treated as exonerative of the petitioner. The petitioner's plea that she has been falsely implicated or that no allegations were made earlier, cannot be adjudicated in proceedings under Section 482 of Cr.P.C.

10. Learned counsel for the State and complainant have placed reliance upon *State of Haryana and others Vs. Ch. Bhajan Lal and others, 1992 AIR (SC) 604*, where the scope of the inherent powers of the High Court under Section 482 Cr.P.C. have been clearly demarcated. It is submitted that none of the categories laid down in the said judgment are attracted in the present case.

11. I have heard learned counsel for the parties and perused the relevant material on record.

12. The power of this Court under Section 482 Cr.P.C./ 528 of BNSS is wide but not unbridled. It is well settled that this power is to be exercised sparingly, with circumspection and in the rarest of rare cases, where continuing the criminal proceedings would amount to an abuse of the process of law or where the allegations made in the FIR, even if

taken at their face value and accepted in their entirety, do not disclose the commission of any offence.

13. The Hon'ble Supreme Court, in a catena of decisions, has consistently laid down the contours, within which the inherent powers of this Court must be exercised. The leading judgement in **State of Haryana versus Bhajan Lal (supra)** serves as the cornerstone of this jurisprudence. In the said judgment, the Hon'ble Apex Court enumerated illustrative categories where quashing may be justified, including: (i) where the allegations in the FIR or complaint, even if taken at face value, do not disclose the commission of any offence; (ii) where the allegations are so absurd or inherently improbable that no prudent person can ever reach a conclusion that there is sufficient ground for proceeding against the accused; (iii) when there is an express legal bar to the institution or continuance of the proceedings; (iv) where there is a clear abuse of process of law or the proceeding is manifestly attended with mala fide intent. Even subsequently, the Hon'ble Supreme Court has reaffirmed these principles through its various pronouncements, while underscoring the caution that must guide Courts when considering the quashing of FIRs or criminal proceedings, especially when the trial has already commenced.

14. A key principle emerging from the various pronouncements of the Hon'ble Apex Court is that the High Court must not undertake a detailed examination of the evidence or assess the credibility of witnesses at the stage of quashing. The inherent power cannot be used to

stifle legitimate prosecution, especially where a prima facie case is disclosed from the allegations and supporting material. The issue of truthfulness, veracity, or reliability of statements is a matter of trial.

15. Applying the above settled principles to the facts of the present case, upon a comprehensive consideration of the allegations in the FIR, the nature of allegations, the material on record, and the submissions advanced by the respective parties, this Court is of the view that no ground is made out for exercise of its inherent jurisdiction under Section 482 Cr.P.C. to quash the proceedings against the petitioner.

16. The FIR discloses serious and specific allegations against the petitioner, who is alleged to have played a pivotal role in inducing the complainant and others to part with a substantial sum of money under the pretext of securing Government jobs. The complainant has clearly stated that the petitioner was introduced as a member of the SS Board, a position that would reasonably confer an aura of authority and credibility upon her in the eyes of a lay person. It is further alleged that the amount of ₹24,00,000/- was handed over in her presence and on the assurance that the recruitment would be secured through her influence. These allegations, on the face of the record, cannot be said to be vague or inherently improbable.

17. The contention of the learned counsel for the petitioner that she has been falsely implicated due to her relationship with the co-accused is a factual defense, which necessarily requires evidence and adjudication at trial. Such an argument cannot be tested or accepted in

proceedings under Section 482 of the Cr.P.C./ 528 of the BNSS. Likewise, the fact that an earlier complaint filed by the complainant at the CM Window did not mention the petitioner, is of no avail at this stage, particularly when the complainant has explained that the scope of the earlier complaint was limited and has now, under oath, reiterated the allegations in respect of the petitioner during proceedings before the trial Court.

18. The trial is already underway, with key prosecution witnesses, including the complainant, having been examined. It further mitigates against the prayer made by the petitioner. The complainant has deposed before the trial Court and has reiterated, on oath, the role played by the petitioner in the alleged fraudulent transaction. The petitioner's identification, her introduction as a member of the SS Board, and the assurances allegedly extended by her, are all matters now part of the trial record and must be weighed by the trial Court in accordance with law.

19. At this stage, this Court is not empowered to assess whether the evidence will ultimately result in conviction or acquittal. The test to be applied is whether a prima facie case is made out and whether the allegations, if accepted as true, disclose the commission of an offence. On both counts, the case of the petitioner for quashing of the FIR in question fails.

20. In view of the settled legal position, the consistent judicial pronouncements of the Hon'ble Supreme Court and the specific factual

matrix involved herein, this Court finds no justification to exercise its inherent jurisdiction under Section 482 Cr.P.C/ 528 of BNSS.

21. Accordingly, the petition stands 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.

(MANJARI NEHRU KAUL)
JUDGE

April 5, 2025
rps

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