



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

CRM-M-25200-2019 (O&M)

Reserved on : 16.07.2025

Pronounced on : 01.08.2025

Vishal Mahajan

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mrs. G. K. Mann, Senior Advocate with
Mr. Anmol Jeevan Singh Gill, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. B. K. Mehta, Advocate
for respondent No. 2/complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 482 of Code of Criminal Procedure (*for short 'Cr.P.C.'*) seeking quashing of FIR No. 150 dated 20.07.2016, registered under Sections 419, 420, 466, 467, 468, 471 and 120-B of IPC at Police Station Cantonment, District Amritsar along with all the subsequent proceedings emanating therefrom.

2. Brief facts of the case relevant for the disposal of the present petition are that the abovementioned FIR was registered on the basis of a written complaint submitted by respondent No.2/complainant Meenu Kapoor on the allegations that she was a devotee of Mata Ji Mandir, Model

Town, Amritsar and had been serving Saint Suraj Prakash, who was the Chief Priest of the said temple. The saint used to treat her as his daughter and had executed a Will on 24.07.2015 in her favour and in favour of two more persons namely Vishal Dhir and Jassi Raja. Accused Keshav Mahajan, who is brother of the present petitioner, used to visit the temple and he had attested the said Will. Saint Suraj Prakash died on 06.11.2015. The intentions of accused Keshav Mahajan had become dishonest and he, in connivance with the present petitioner and Gaurav Mahajan, conspired to cheat respondent No. 2 and other beneficiaries of the Will and with that intention started blackmailing respondent No. 2 and others by projecting that other trustees of the temple and political leaders could send them to jail, if they came to know about the Will. Accused Keshav Mahajan also knew the fact that a sum of Rs. 78 Lakhs was lying deposited in the bank account of respondent No. 2 and by hatching conspiracy with the petitioner and co-accused and by blackmailing respondent No. 2, got transferred the aforementioned amount in the bank accounts opened in the name of firm operated by him. He also got sold an area of property owned by respondent No. 2 and kept the sale consideration amount with himself. Some gold rings belonging to Saint Suraj Prakash had also been sold by him. Apart from that, accused Keshav Mahajan, in connivance with the present petitioner and co-accused Gaurav Mahajan, represented to respondent No. 2 that by the money taken from her, he would purchase a property in her name and handed over an agreement to sell dated 21.12.2015, purported to be executed by one Santosh Khajuria in favour of respondent No. 2 but the said agreement was found to be false and fabricated. By alleging that accused Keshav Mahajan,

the petitioner and Gaurav Mahajan had cheated the complainant and had also committed offences of forgery, respondent No. 2/complainant prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. Investigation now stands completed and challan has been presented before the learned trial Court. The petitioner had moved an application for discharge, which had been dismissed and he also stands chargesheeted for commission of aforementioned offences.

3. The present petition has been filed by the petitioner on the ground and it has been argued by his counsel that he has been falsely implicated in this case. He was doing an independent business of brick kiln and has no connection with accused Keshav Mahajan. There is no specific allegation against him. He has been implicated by the complainant only with an intention to exert pressure upon his brother Keshav Mahajan to come to her terms so that he could leave his claim over the house which respondent No. 2 had sold to him by executing an irrevocable general power of attorney. He is neither beneficiary of any transaction nor he was signatory of any document. There is no allegation that he had made any inducement to respondent No. 2. The ingredients for commission of offence punishable under Section 420 of IPC have not been attracted against him at all. Neither the ingredients for commission of offence of forgery or use of forged documents, are made out against him. The impugned FIR has been lodged against him only to abuse the process of law. There is no possibility of his conviction, even if the allegations are believed to be true. With these broad submissions, it is urged that the FIR in question and the subsequent proceedings arising therefrom are liable to be quashed qua the petitioner.

4. Reply has been filed by the respondent-State. It is argued by learned State counsel, assisted by learned counsel for respondent No. 2/complainant that sufficient material has been collected during the course of investigation to prove that the petitioner had actively participated in the commission of subject offences in connivance with co-accused. His active participation can be inferred from the fact that an amount of Rs. 18 Lakhs out of the amount of Rs. 75 Lakhs taken from respondent No. 2 and deposited in the bank account of co-accused Keshav Mahajan had been withdrawn by the petitioner and utilized. It is further argued that since the complicity of the petitioner in commission of aforementioned offences stands prima facie established, hence, no ground has been made out for allowing the petition at this stage, when even charges have been framed and the petitioner is facing trial.

5. I have heard learned counsel for the parties at considerable length and have also gone through the 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. 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 and to secure the ends of justice or 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. Hon'ble

Supreme Court has drawn up some guidelines in some categories of cases by 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 several guidelines have been laid down. Some of them, which are relevant for the purpose of disposal of the present petition, are reproduced as under:

- (i). 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.
- (ii). Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. 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.
- (iii). 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.
- (iv). Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
- (v). Where the allegations made in the F.I.R. 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.

(vi). 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.

(vii). 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. It is also well settled proposition of law that the exercise of powers under Section 482 Cr.P.C. to quash proceedings is an exception and not a rule. In ***Monika Kumar vs. State of U.P. : (2006) 8 SCC 781***, the Apex Court has propounded that the inherent jurisdiction under Section 482 Cr.P.C., though wide, is to be exercised sparingly, carefully and with caution, only when such exercise is justified by the test specifically laid down in the section itself and appreciation of evidence is not permissible at the stage of quashing of proceedings in exercise of this power. The inherent powers do not confer an arbitrary jurisdiction upon the High Court to act according to whims and caprice.

8. Reference can also be made to the authority cited as ***M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others :2021 SCC OnLine SC 315***, wherein Hon'ble Apex Court, after analyzing and examining several judicial precedents, had observed that the Courts should not thwart any investigation into the cognizable offences;

criminal proceedings ought not to be scuttled at the initial stage; the power of quashing should be exercised sparingly with circumspection, in the 'rarest of rare cases' and while examining the FIR/complaint, quashing which is sought, the Court should not embark upon inquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint. It was also observed that in cases where no cognizable offence or offence of any kind is disclosed in the first information report, the Court should not permit an investigation to go on.

9. Reference can also be made to ***CBI v. Aryan Singh : 2023 SCC OnLine SC 379***, wherein Hon'ble Apex Court observed that while exercising powers under Section 482 of Cr.P.C., the Courts have a very limited jurisdiction and are only required to consider “whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not”. In ***Kaptan Singh vs. State of U.P. and others, 2021 SCC Online SC 580*** and ***Dhruvaram Murlidhar Sonar vs. State of Maharashtra, (2020) 3 SCC (Criminal) 672***, it was observed that the appreciation of evidence is not permissible at the stage of quashing of proceedings in exercise of powers under Section 482 of Cr.P.C. as this power is an exception and not a rule. Inherent jurisdiction under Section 482 of Cr.P.C. though wide is to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself. It is also well settled proposition of law that the Court is not required to go into the merits of the allegations and/or entering into the merits of the case as if it is exercising the appellate jurisdiction and/or conducting the trial, at the stage of exercising powers under Section

482 of Cr.P.C. In order to examine as to whether the factual contents of the FIR disclose any cognizable offence or not, the High Court cannot act like investigating agency nor can exercise the powers like an appellate court. The said question is required to be examined keeping in view the contents of the FIR and prima facie material, if any, requiring any proof.

10. This Court has considered the contentions raised by learned counsel for the parties and has also carefully gone through the material placed on record. On applying the principles of law as laid down in the above cited authorities to the peculiar facts of the present case, it may be mentioned that the FIR in question was registered on the complaint filed by respondent No. 2 making allegations against the accused of commission of offences punishable under Sections 120-B, 420, 466, 467, 468 and 471 of IPC by them. Investigation in this case has completed and charges have been 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 justifies registration of criminal proceedings against him. He might not be a signatory to the agreement alleged to have been executed by one Santosh Khajuria or he might not be attesting witness, however, he had withdrawn an amount of Rs. 18 Lakhs, which was deposited in the bank account of the firm operated in the name of co-accused Keshav Mahajan, who is brother of the present petitioner and the said amount was a part/share out of the amount of Rs. 75 Lakhs extracted from respondent No. 2. Learned counsel for the petitioner has not been able to controvert this position. It cannot be stated that these allegations are bereft of even basic facts which are absolutely necessary for constituting a prima facie for the offences alleged nor it can be

stated that the allegations made in the FIR, even if taken to be true on their face value, do not disclose any offence. Rather, on appreciation of material placed 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. Specific allegations have been raised in the FIR regarding forging documents/agreements and cheating the complainant which do not advance the case of the petitioner at this stage to seek quashing 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.

13. Keeping in view the facts and circumstances of the case, 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.

01.08.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No