



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

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CRM-M-37275-2024

Date of decision: January 31st, 2025

Kanwaljit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sunil K. Sahore, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

The petitioner has invoked the inherent jurisdiction of this Court under Section 482 of the Cr.P.C./528 of the BNSS, seeking the quashing of FIR No.160 dated 06.07.2022 under Sections 420, 34 of the IPC registered at Police Station City Gurdaspur and all the consequential proceedings arising therefrom. The principal contention advanced by the petitioner is that the allegations levelled against him are entirely baseless and fabricated, motivated by an ulterior purpose to evade repayment of a financial liability owed to him by the complainant and one Sunil Kumar.

2. It has been argued by the learned counsel that in August 2018, complainant/respondent No.2 and Sunil Kumar borrowed ₹4 lakh and ₹5 lakh, respectively, from the petitioner promising to return the amounts. Although a portion of the loan was repaid, cheques were issued to the petitioner towards the discharge of the remaining liability. Upon presentation, the said cheques were dishonored, leaving the petitioner to initiate recovery proceedings, wherein the complainant and

Sunil Kumar have been duly summoned by the competent Court. The learned counsel has contended that, as a retaliatory measure to exert undue pressure on him, the complainant and Sunil Kumar lodged the FIR in question (Annexure P-1), falsely accusing the petitioner of cheating on the pretext of securing employment. Learned counsel for the petitioner, therefore, contends that the FIR is a blatant misuse of law and warrants quashing, as the dispute is purely civil in nature.

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

4. *Prima facie*, the allegations levelled in the FIR are serious and specific. Respondent No.2/complainant has alleged in the FIR that the petitioner defrauded her and her son of ₹4 lakh under the false pretense of securing a job in the Forest Department. It has been alleged that the petitioner was introduced to them by one lady, who runs a garment shop. Acting on the alleged assurance given by the petitioner, the complainant made payment of various sums of money through cheques besides handing over ₹50,000/- in cash to the lady (Shifali), who had introduced her to the petitioner.

5. Further, the complainant has alleged in the FIR that after receiving the total sum of ₹4 lakh, the petitioner kept delaying the promised job and, upon persistent follow-ups, stated that only a lower-level position could be arranged. Subsequently, when the complainant demanded either the job or a refund, the petitioner outrightly refused and challenged them to take any action. The complainant has further claimed to have learned that the petitioner has similarly defrauded several other persons.

6. The power of this Court under Section 482 of the Cr.P.C./528 of the BNSS to quash criminal proceedings is well settled and has been extensively discussed and laid down by Hon'ble the Supreme Court in *State of Haryana and others Versus Bhajan Lal SCR 1990 Supp. 3*. It was held by Hon'ble the Supreme Court that such power should be exercised sparingly and with great caution, only in cases where the allegations in the FIR, even if taken at face value and accepted in their entirety, do not *prima facie* constitute an offence or make out a case against the accused; the allegations are so absurd and inherently improbable that no prudent person would ever reach a just conclusion that there is sufficient ground for proceeding against the accused and further the FIR has been lodged with *mala fides* etc.

7. In the present case, the allegations against the petitioner are neither vague nor inherently improbable. The FIR discloses a clear and specific allegation of inducement, deception, and financial fraud. Furthermore, it is significant to note that a thorough investigation was conducted by the police, leading to the filing of a charge sheet. The trial Court, upon considering the charge sheet, has framed charges against the petitioner. This *prima facie* establishes sufficient material for the matter to proceed to trial.

8. The contention of the petitioner that the FIR is a counterblast to the civil recovery suits initiated by him is a matter of defence, which he is at liberty to raise before the trial Court. However, such a defence cannot be adjudicated upon in proceedings under Section 482 of the Cr.P.C. The settled principle of law is that when allegations *prima facie* disclose the commission of a cognizable offence and the charges have been framed, this Court should be slow to intervene in the

exercise of its inherent powers under Section 482 of the Cr.P.C./528 of the BNSS.

9. In view of the foregoing discussion, this Court finds no merit in the present petition. The allegations in the FIR, coupled with the material collected during investigation, justify the continuation of the proceedings against the petitioner. The contentions raised by the petitioner pertain to matters of factual dispute, which can only be examined during trial. Accordingly, the instant petition is dismissed.

10. 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.

January 31st, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No