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

CRM-M-42704-2025

Date of Decision: 08.08.2025

Himanshu and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Sanchit Choudhary, Advocate, for the petitioners
(through VC).

Rajesh Bhardwaj, J. (ORAL)

1. Instant second petition has been filed praying for quashing of FIR No.124, dated 07.11.2024 registered under Sections 61, 318(4) BNS, at Police Station Hisar and subsequent proceedings arising therefrom.
2. Earlier the petitioners had approached this Court by way of filing CRM-M-19707-2025 praying for quashing of the FIR, however, this Court was not inclined to grant the relief prayed for and thus, the same was dismissed as withdrawn vide order dated 15.05.2025.
3. Learned counsel for the petitioners has submitted that now challan has been presented in the present case and hence, with the change in the circumstances, the present petition is maintainable.
4. Succinctly, facts of the present case are that the FIR in the present case was lodged on the statement of the complainant, namely, Meenakshi. It was alleged that she had fell victim to the Cyber offence and found herself defrauded for an amount of Rs.6,66,312/- by alluring her for providing part time job. Thus, request was made to take legal action against the accused. On the registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioners surfaced and they



were arrayed as accused in the FIR. Investigation in the present case is complete and challan has been presented.

5. Learned counsel for the petitioners has submitted that neither the petitioners have been named in the FIR nor any specific role has been attributed to them. He has submitted that it was co-accused Ashok Kumar whose mobile number was found to be connected with the Bank account in which the alleged defrauded money was transferred, whereas, the petitioners have no connection with the same and they have been falsely implicated in the present case only on the basis of one Airtel Payment Account No.8209155869, which is in the name of one Anirudra Singh, who was not even made an accused in the present case. He further submits that even in the challan under Section 195 BNSS, no role has been attributed to the petitioners. He submits that investigation in the present case is complete and challan has been presented. It is submitted that in the overall facts and circumstances of the present case, prosecution of the petitioners is nothing but an abuse of the process of the Court.

6. Heard learned counsel for the petitioners and perused the record. A perusal of the challan presented would show that during investigation, the Investigating Agency found the complicity of both the petitioners i.e. Himanshu and Vivek Meena. The Investigating Agency on 07.01.2025 raided the houses of co-accused Ashok Kumar and Sandeep @ Golu residents of Neem Ka Thana (Rajasthan), but Sandeep @ Golu could not be found. They found Airtel Payment Bank Account No.8209155869 in the name of one Anirudra Singh resident of Alwar and he was joined the investigation. In this account, Vivek Meena (petitioner) alongwith



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Himanshu (petitioner) was found to have deposited money by cheating various people. The petitioners in connivance with the co-accused duped the complainant with a huge amount. *Prima facie* complicity of the petitioners has been established.

7. Hon'ble Supreme Court in **State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335** has held that the High Court has inherent power under Section 482 Cr.P.C. for quashing the FIR, however, the same should not be exercised for the offence falling under the heinous categories. It has been further observed in **Bhajan Lal's** (supra) as under:-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised:

- (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 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.”

8. Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and another, (2012) 10 SCC 303**, has further held as under:-

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint 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 accord with the guideline engrafted in such power viz; (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation



of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

9. Further, Hon'ble the Supreme Court in the case of **Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and another**, 2021 SCC Online SC 315 has held that the High Court should exercise the power of quashing under Section 482 Cr.P.C. sparingly with great circumspection and sparingly, as it has been observed, in the rarest of rare cases and also criminal proceedings ought not to be scuttled at the initial stage.

10. The contentions raised by learned counsel for the petitioners regarding no connection of the petitioners in the offence alleged, is totally a disputed question of facts, which can be gone into by the trial Court only after appreciation of evidence led by respective parties. However, this Court cannot decide the issue involved in this case by invoking its inherent power under Section 482 Cr.P.C.

11. Weighing the facts and circumstances of the case on the anvil of law settled, this Court finds that case in hand fails to qualify for invoking the inherent jurisdiction. Resultantly, the present petition being devoid of

any merit is hereby dismissed.

12. Nothing said herein shall be treated as an expression of opinion
on the merits of the case.

08.08.2025		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No