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

(1) CRM-M-45680-2024

Decided on: 29.11.2025

Baljinder Singh Bains

..... Petitioner

Versus

State of Punjab and another

.....Respondents

(2) CRM-M-45978-2024

Resham Lal Loey @ Resham Lal

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Arun Takhi, Advocate, for the petitioner
in CRM-M-45680-2024.

Mr. Nikhil Chopra, Advocate and
Mr. Kirpal Singh Thakur, Advocate, for the
petitioner in CRM-M-45978-2024.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J.

1. This order shall dispose of the above-mentioned two petitions as both have been arisen out of the same FIR.

2. Prayer in the present petitions is for quashing of the FIR No.107, dated 14.07.2022 registered under Sections 420, 465, 468, 471, 120-B IPC at Police Station Sadar, Hoshiarpur, District Hoshiarpur and also GD No.31 dated 28.07.2023 as well as challan/final report filed under Section 173 Cr.P.C. alongwith all the subsequent proceedings arising therefrom.

2. Succinctly facts of the case are that the FIR in the present case was lodged on the statement of respondent No.2-complainant, namely, Jaswinder Kaur Loi. It was alleged that the complainant is residing in Germany and her husband Madan Lal had died on 18.02.2014. During life



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time of her husband, he purchased one Bolero SLX vehicle bearing registration No.PB08-AW-2290 with his brother Resham Lal Loe (petitioner in CRM-M-45978-2024) and both the brothers could not sell the said vehicle without the consent of each other. In January, 2022, when the complainant came to India, she found out that Resham Lal Loe in connivance with Jaswinder Singh Bains, Baljinder Singh (petitioner in CRM-M-45680-2024) sold the vehicle to one Harcharan Singh on 31.05.2017 after forging the signatures of her husband and preparing a fake affidavit to sell. It was alleged that after the death of husband of the complainant, the said accused persons cheated her by selling the vehicle without her consent and forging the signatures of her husband. Thus, request was made to take legal action against the accused persons. On the registration of the FIR, the investigation commenced. During the investigation, complicity of Baljinder Singh Bains (petitioner in CRM-M-45680-2024) and Harcharan Singh was found and they were arrayed as accused and Section 120-B IPC was also added vide GD No.31 dated 28.07.2023. Hence, the petitioners have approached this Court by way of filing the present petitions for quashing the FIR as well as GD.

3. It has been vehemently contended by counsel for the petitioners that the petitioners have been falsely and frivolously implicated in the present FIR and GD.

It has been contended by learned counsel for petitioner Resham Singh Loey @ Resham Lal that the petitioner was the co-owner of the vehicle in dispute, which was purchased in the year 2006. He submits that the petitioner is residing in Germany since very long and used to come to India to meet his old aged parents and family. It is submitted that the



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vehicle in question is stated to be sold on 31.05.2017, however, on that date, the petitioner was not in India. The said fact can be substantiated from the copy of his passport annexed as Annexure P-16 and thus, there is no occasion for the petitioner to forge any document. He submits that once it is proven that the petitioner was not in India on 31.05.2017, it becomes evident that he could not have created any fake documents for the purpose of selling of the car. He further submits that the complainant is not the co-owner and the case being civil in nature, only LRs of Madan Lal i.e. brother of the petitioner, can claim his share from the person who received the amount. It is submitted that the petitioner and his family is having property dispute with the complainant and it is because of the same, she got registered the present FIR against the petitioner. He submits that there is a delay of five years in filing the FIR, as the vehicle in question was stated to be sold on 31.05.2017, whereas, the present FIR was registered on 14.07.2022 and the Investigating Agency did not seek any expert or scientific opinion. He, thus, submits that from the records, it is apparent that on 31.05.2017, the petitioner was in Germany when the alleged sale document was said to have been executed in India, and hence, no question of the petitioner selling the vehicle in question arises. He has submitted that the petitioner is also a resident of Germany and due to the present FIR, he is stuck in India from the last many years and facing hardships and loss of livelihood.

Learned counsel for petitioner Baljinder Singh Bains has submitted that petitioner Baljinder Singh Bains is son of sister of Resham Lal and Madan Lal (deceased). He submits that civil disputes were going on



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between complainant-respondent No.2 and Resham Lal (petitioner in CRM-M-45978-2024), and the petitioner and his parents. The complainant filed three civil suits, one ejectment petition, eight criminal complaints and two FIRs pertaining to the same very property. He has submitted that in order to settle the same, the complainant falsely implicated the petitioner in the present FIR. He has also submitted that the FIR in question has been registered after a delay of five years as the incident took place on 31.05.2017. Though the complainant visited India a number of times and filed all the above civil as well criminal cases during these five years and thus, it is apparent that the complainant was very much present in India, which can be verified from her passport.

Learned counsel for the petitioners have submitted that the dispute in the present petition pertains to sale of car in the year 2017, however, after a delay of five years the impugned FIR was registered by the complainant. They submits that initially challan was filed against three accused persons. They, thus, submits that the present FIR is outcome of the family dispute between the parties, which is evident from the fact that there are around 12 cases pending between the parties, both civil and criminal. They have further submitted that co-ordinate Bench of this Court has earlier quashed FIR No.06 dated 27.02.2019, registered under Sections 448, 506, 427, 120-B IPC, at Police Station NRI Hoshiarpur, vide order dated 13.12.2019 filed by the complainant, Jaswinder Kaur against the petitioners as well as other family members. They have submitted that even otherwise the alleged vehicle in the FIR is a Bolero SLX model 2006 and the total value would not have been more than Rs.2 lacs. Thus, it is apparent that as



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an act of vendetta the present FIR has been registered, against the petitioner.

To buttress their arguments, they have relied upon the judgments of Hon'ble Supreme Court in State of Haryana vs. Ch. Bhajanlal and others, 1991(1) RCR (Criminal) 383; Dinesh Kumar Mathur vs. State of M.P. and another; 2025(1) RCR (Criminal) 429, Chirag Sen and another vs. State of Karnataka and another, Law Finder Doc Id # 2755588; Aaditya Khaitan @ Aditya Khaitan and others vs. State of Jharkhand & others, Law Finder Doc Id # 2724268; Pramajeet Singh vs. State of Himachal Pradesh and others, 2025(4) RCR (Criminal) 136; and Chanchalpati Das vs. The State of West Bengal and another, 2023 AIR (Supreme Court) 2710 and have submitted that prosecution of the petitioners in the present case is nothing but an abuse of the process of the Court and the thus, the present FIR deserves to be quashed.

4. On the other hand, learned State counsel has opposed the submissions made by counsel for the petitioners. He has filed short reply way of affidavit of Dev Dutt Sharma, PPS, Deputy Superintendent of Police, Sub-Division City, District Hoshiarpur in CRM-M-45680-2024. He has submitted that on the complaint filed by the complainant, an enquiry was carried out and the present FIR got registered against petitioner Resham Lal on the allegation of forging the signature of deceased Madan Lal. He submits that during the investigation, complicity of petitioner Baljinder Singh Bains was also established and he was nominated as an accused and Section 120-B was also added in the FIR. He has submitted that accused Harcharan Singh was arrested, who disclosed that both the petitioners in connivance with each other received Rs.2 lacs from him and prepared all the



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documents for transferring the vehicle in question in his name. He admits the fact that that the petitioners were prosecuted in one more FIR, however, the same has been quashed by this Court. He further submits that the parties are already involved in multiple cases filed against each other. He, thus, submits that the petitioners in connivance with each other have forged the signatures of deceased Madan Lal and sold the vehicle in dispute and hence, the present petitions deserves to be dismissed.

5. Heard learned counsel for the parties and perused the record with their able assistance. From the bare perusal of the paperbook shows that the vehicle in question is 2006 model old Bolero car, which was jointly purchased by petitioner Resham Lal Loey and husband of the complainant. Petitioner Resham Lal Loey and the complainant, namely, Jaswinder Kaur, both are residents of Germany. Husband of the complainant died on 18.02.2014 and initially the case was registered against Resham Lal Loey and lateron, offence under Section 120-B IPC was added in the FIR, vide DDR No.31 dated 28.07.2023 and Harcharan Singh, was also arrayed as an accused. Harcharan Singh was arrested in the present case on 03.08.2023 and his disclosure statement was recorded, wherein, complicity of the petitioners surfaced. Resham Lal Loey was granted bail by this Court , thereafter, he joined investigation in the present case on 13.03.2024. It is apparent that the parties are already at loggerheads as various complaints, both civil and criminal are pending between them. From the record, it is apparent that FIR No.06 dated 27.02.2019 filed by the complainant, Jaswinder Kaur against the petitioners as well as family members, has already been quashed by this Court vide order dated 13.12.2019. The



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present FIR has been registered on the allegations of petitioners selling vehicle which was in the name of the husband of the petitioner (since deceased) and petitioner Resham Lal Loey by forging the signature of her husband and preparing fake affidavit to sell the same. Admittedly, the dispute pertains to the year 2017, however, the FIR was registered after a lapse of five years i.e. in the year 2022, but during these five years, the complainant visited India on many occasions. Thus, in view of the fact and circumstances of the present case, it *prima facie* appears that the FIR in question has been registered with an ulterior motive only to settle the score with the petitioners. It is well settled law that criminal law cannot become a platform to settle personal scores.

6. A bare perusal of statutory provision of the 528 of B.N.S.S. would show that the High Court may make such orders, as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

7. The Hon'ble Supreme Court in a number of cases including Narinder Singh and others Versus State of Punjab and another, 2014 (6) SCC 466; B.S.Joshi and others vs State of Haryana and another (2003) 4 Supreme Court Cases 675 followed by this Court in Full Bench case of Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR 1052 have dealt with the proposition involved in the present case and settled the law.

8. Thereafter, Hon'ble Supreme Court in Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303 further dealt with the issue and the earlier law settled by the Supreme Court for quashing of the FIR in State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335. Para



61 of the judgment reads 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 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 offender in relation to the offences under special statutes like 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 pre-dominantly 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. In the considered opinion of this Court the prosecution of the petitioners is nothing but an abuse of the process of Court. Thus, in the facts and circumstances, this Court finds that the case in hand squarely falls within the ambit and parameters settled by judicial precedents and hence, FIR No.107, dated 14.07.2022 registered under Sections 420, 465, 468, 471, 120-B IPC at Police Station Sadar, Hoshiarpur, District Hoshiarpur and also GD No.31 dated 28.07.2023 and all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioners.

29.11.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No