



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-43973 of 2025

Reserved On: 13.11.2025

Pronounced On: 17.11.2025

Monika Aggarwal

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Lalit Sharma, Mr. Rahul Tomar and
Mr. Aman Chauhan, Advocates for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondents No.1 and 2.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 420, 465, 467 and 120B of the Indian Penal Code, 1860, hereinafter being referred to as “IPC” only, the FIR No. 56 dated 17.04.2024 has been lodged in Police Station City-1 Mansa, District Mansa, Punjab.

2. Since the petitioner is named as an accused in the above mentioned FIR, she is being prosecuted. For quashing of the above mentioned FIR qua petitioner, the present petition under Section 482 of the Code of Criminal Procedure, 1973 and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only has been filed by the accused/petitioner, hereinafter being referred to as “petitioner” only.

Briefly stating the facts emerging from the record are that the

FIR of this case came into being at the instance of Gurvinder Singh son of Gurjit Singh, hereinafter being referred to as “complainant” only. It was stated by the above named complainant that he was an agriculturist by profession, and that his son Komalpreet Singh, who had cleared 12th standard examination, was aspiring to settle abroad and therefore, the complainant approached ‘M/s Star Future Education & Immigration Service’, SCO 664, Top Floor, Sector 70, S.A.S. Nagar (Mohali), hereinafter being referred to as “Immigration Firm” only. As per complainant, the abovesaid firm was recommended by a friend of his son, namely Rajpreet Singh.

4. It was further stated by the complainant that in May, 2023, he (complainant) along with his son Komalpreet Singh, his son’s friend Rajpreet Singh and his uncle Ranjit Singh visited the above mentioned firm where all the documents of Komalpreet Singh were shown to Monika Aggarwal, i.e. petitioner who collected all the documents of Komalpreet Singh and stated that on the basis of above mentioned documents study visa of Komalpreet Singh for Australia would be applied. As per complainant, the petitioner had given a guarantee for arranging visa and demanded ₹17,50,000/- for the same.

5. It is the case of complainant that in view of above mentioned assurance/inducement, he, on different occasions, paid money to the above mentioned immigration firm and thus, by 11.07.2023 a sum of ₹17,50,000/- was paid by him to the above mentioned immigration firm. It was also stated by the complainant that with regard to above mentioned transaction, and also with regard to process for visa of son of the complainant, the petitioner was

in constant touch with the complainant & his son, and used that she used to pass on messages. It is the case of prosecution that in view of above mentioned complaint, formal FIR of this case was lodged and the investigation taken up.

6. The present petition has been filed by the petitioner by taking a plea that, whatever, the allegations have been levelled they relate to immigration firm. According to petitioner, Chhavi Sharma wife of Rajiv Kumar Sharma is the sole proprietor of the above mentioned immigration firm, and that the petitioner was only one of several employees working in the above mentioned immigration firm. It has also been alleged by the petitioner that being an employee, she was rendering her services to her employer, and that if any cheating with the complainant has taken place, the petitioner being an employee of the immigration firm cannot be held liable. It has also been alleged by the petitioner that she was not the beneficiary of money paid by the complainant to the accused firm, and that otherwise also, the money paid by the complainant has already been returned by virtue of demand draft.

7. Heard.

8. It has been contended on behalf of petitioner that in the present case, ample evidence has been led by the petitioner to prove that she was only an employee in the above mentioned immigration firm. As per learned counsel for the petitioner, the factum of employment of the petitioner in the above mentioned immigration firm is not only established with the help of appointment letter issued in her name, but also by the statement of accounts wherein the monthly salary was being credited by the employer firm. As per

learned counsel for the petitioner, since the petitioner was not the beneficiary of money received from the complainant, and she was performing her duties as an employee only, she cannot be prosecuted for any breach of contract, arrived at between the complainant and the employer of the petitioner. While referring to the principles of law laid down by the Hon'ble Supreme Court of India in the case of *State of Haryana v. Bhajan Lal (1992) Suppl. (1) SCC 335*, *R.P.Kapoor v. State of Punjab AIR 1960 Supreme Court 866* and *Gian Singh v. State of Punjab (2012) 10 Supreme Court Cases 303*, it has been argued by learned counsel for the petitioner that the filing of FIR against the petitioner is nothing but an abuse of process of law and therefore, it is well within the jurisdiction of this Court to quash the FIR. While invoking the jurisdiction vested in this Court by virtue of Section 482 Cr.P.C. and 528 of BNSS, the learned counsel for the petitioner has urged for the same.

9. Per contra, the learned State counsel has argued that in the present case there are very specific and categorical allegations with regard to receipt of money by the petitioner in addition to alleged salary, and that for that transaction of money, there is no explanation. It has also been argued by the learned State counsel that claim of the petitioner is that she was an employee of the accused immigration firm, and that to prove this fact, the petitioner is supposed to lead evidence which can be led during the course of trial only. As per learned State counsel, in this petitioner seeking for quashing, this Court cannot conduct an enquiry to find out as to whether the stand taken by the petitioner is true or not. While claiming that ample opportunity would be available to the petitioner to lead defence evidence, wherein she can prove her plea, it has been contended by the learned State

counsel that at this stage, the above mentioned petition for quashing is not sustainable.

10. The record has been perused carefully.

11. In the present case, at the very outset it is relevant to mention here that the entire petition seeking for quashing of FIR is based upon the plea that the petitioner was an employee of the accused firm and therefore, she could not have been prosecuted for any cheating committed by the immigration firm particularly when the petitioner was not a beneficiary of the same. On the other hand, the contents of FIR shows that there are very specific and categoric allegations against the petitioner with regard to dealings, subsequent communication and transfer of money. Although the petitioner has placed on record his appointment letter and statement of accounts, but the above mentioned documents can be helpful for the petitioner at the time of taking defence plea. Thus, at this stage, without giving an opportunity to the parties to lead their respective evidence, it is not possible to draw an inference as to whether this plea of the petitioner is true or not, that she was only an employee of the accused immigration firm.

12. In the case of '*Bhajan Lal (supra)*', the Hon'ble Supreme Court of India after reviewing large number of cases on the question of quashing of FIR has prescribed the circumstances, when the FIR can be quashed. Those principles are:-

- a) 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.

- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) 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.

- g) 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.

13. With regard to similar situation, the Hon'ble Supreme Court of India in the case of ***Gian Singh*** (*supra*) observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. As per Hon'ble Supreme Court, 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 of Criminal Procedure. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accordance 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.”

14. In addition to above, the parameters of law which are required to be taken into consideration in a petition for quashing has been laid down by the Hon'ble Supreme Court of India in the case of ***Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others*** 2021 SCC

Online SC 315. In the above-mentioned case, the Hon'ble Supreme Court of

India has laid down the following principles:-

- “i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code of investigate into a cognizable offence;
- ii) Courts would not thwart any investigation into the cognizable offences;
- iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;
- iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the ‘rarest of rare cases (not to be confused with the formation in the context of death penalty);
- v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;
- vi) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- vii) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;
- viii) Extraordinary and inherent powers of the Court do not

counter an arbitrary jurisdiction on the Court to act according to its whims or caprice;

- ix) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the Court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;
- x) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The Court is not required to consider on merits whether or not the merits of the allegations made out a cognizable offence and the Court has to permit the investigating agency/police to

investigate the allegations in the FIR.”

15. Similarly in the case of *Sadiq B. Hanchinmani Vs. State of Karnataka, 2025(4) RCR (Criminal) 861*, the Hon’ble Supreme Court of India has ruled that police investigation should be allowed to proceed unless exceptional circumstances warrant intervention. According to Hon’ble Supreme Court of India the High Court should not interfere with the investigation when allegations in FIR disclose cognizable offences.

16. In the case of *M/s Balaji Traders Vs. The State of U.P. & Another 2025(3) RCR (Criminal) 175*, the Hon’ble Supreme Court of India has ruled that jurisdiction of quashing of FIR should be exercised sparingly in the ‘rarest of rare cases’. As per Hon’ble Supreme Court of India allegations in FIR or complaint must be taken at face value and accepted in their entirety to assess whether they disclose a cognizable offence.

17. In the case of *Muskan Vs. Ishaan Khan (Sataniya) [Criminal Appeal No.4752 of 2025, decided on 06.11.2025]*, the Hon’ble Supreme Court of India held that the Court should not conduct a mini-trial at the stage of quashing and that quashing of FIR should be an exception and exercised sparingly in rarest of rare cases. The Hon’ble Supreme Court of India has further held that Courts cannot embark upon an enquiry as to the reliability or genuineness of allegations made in the FIR/complaint.

18. If the factual matrix of the case is analyzed, in the light of the above mentioned principles of law, it transpires that in the quashing petition where the evidence already led, or to be led, by the parties cannot be appreciated and an enquiry with regard to veracity of allegations of the parties cannot be looked into, it is hereby held that on the basis of grounds

taken by the petitioner, no ground for quashing of FIR is made out.

19. As a sequel to above mentioned observations, it is hereby held that the present petition is devoid of merits and deserves dismissal. Hence, the present petition is hereby dismissed. However, the petitioner shall be at liberty to take all the pleas which have been taken in this petition before the trial Court and lead evidence to prove the same.

(Surya Partap Singh)
Judge

November 17, 2025
“DK”

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