

CRM-M-46159-2025

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

CRM-M-46159-2025
Decided on : 25.08.2025

Surinder Kaur

..... Petitioner

Versus

State of Punjab

.....Respondent

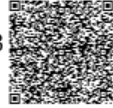
CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gurinder Singh Dhot, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

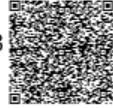
1. Prayer in the present petition is for quashing of the FIR No.229 dated 07.09.2022 registered under Sections 406, 420, 467, 468, 471 IPC, at Police Station Division No.5, Ludhiana and all the consequent proceedings arising therefrom.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of the complainant, namely, Rajwinder Singh. It was alleged that he is resident of Canada. It was alleged that Davinder Singh and Surinder Kaur (petitioner) had embezzled public fund of Rs.52,11,300/- from the Bank in conspiracy with each other as they both had shown themselves as owner by making fake sale deed and preparing forged documents. Davinder Singh and Surinder Kaur got issued the *fard* from the Revenue Department of the actual owner i.e. Dalip Kaur and produced some other lady before the Tehsildar as Dalip Kaur. The lady who impersonated as Dalip Kaur, was falsely identified as Dalip Kaur. He alleged that actual owner of the plot No.512 had already registered the sale deed on this land. It was further alleged that the actual owner Dalip Kaur



neither visited this place nor she came to India after the year 2000. Thus, it was alleged that Davinder Singh and Surinder Kaur by hatching a conspiracy with each other, not only made fake sale deed of this land, but also took a loan from the Bank and thus, embezzled public money as well. Thus, request was made to take legal action. On the registration of the FIR, the investigation commenced. The petitioner is before this Court by way of filing the present petition praying for quashing of the present FIR.

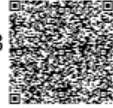
3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that after receiving the complaint as alleged in the FIR, preliminary inquiry was conducted by the Economic Offences (EO) Wing, Ludhiana and submitted its report dated 20.02.2021. He submits that perusal of the inquiry report, it is apparent that the petitioner alongwith her husband and one Baljit Singh had been cheated by one Gurdarshan Singh. He submits that Gurdrashan Singh was known to the husband of the petitioner and was having friendly terms with him and it is Gurdarshan Singh who got sanctioned a loan of Rs.12,96,000/- against the property in question from the Centurion Bank of India. It is further submitted the petitioner and Davinder Singh have been falsely implicated in the present case. He submits that the investigation is complete and challan has been presented. It is submitted that in the fact and circumstances of the present case, prosecution of the petitioner is nothing but an abuse of the process of the Court and thus, in view of the law laid down by Hon'ble Apex Court in **State of Haryana vs. Bhajan Lal**, AIR 1992 SCC 604, the impugned FIR deserves to be quashed.



4. Heard learned counsel for the petitioner and perused the record. From the appreciation of the FIR, it is deciphered that in the present case the FIR has been lodged on the statement of Rajwinder Singh and the allegations against the petitioner and her husband are to the effect that they forged the sale deed regarding the plot in dispute. The actual owner of the property as alleged is Dalip Kaur, who is residing abroad. After the year 2000, she never returned to India. There are allegations pertaining to impersonation of actual owner Dalip Kaur by the petitioner and her accomplices. Challan has already been presented as the Investigating Agency found material substantiating the allegations made in the FIR.

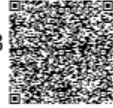
5. Hon'ble Supreme Court in **State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335** has held that the High Court has inherent power under Section 482 Cr.P.C. for quashing the FIR, however, the same should not be exercised for the offence falling under the heinous categories. It has been further observed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

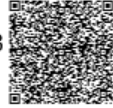
- (1) “Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
- (2) Where the allegations in the first information report and 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.”

6. 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 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.”

7. 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.

8. 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.

9. 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. However, the petitioner is at liberty to raise all the pleas before the trial Court at the relevant time in accordance with law.

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

25.08.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No