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

CRM-M-52090-2025

Decided on: 16.10.2025

Satinder Pal Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raj Wadhwa, Advocate, for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for quashing of the FIR No.99, dated 12.08.2023, registered under Sections 420 and 120-B IPC, at Police Station Fatehgarh Sahib, District Fatehgarh Sahib.

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, Davinder Singh. As per the allegations made in the FIR, respondent No.2-complainant met with Satinderpal Singh (petitioner) through his friend Alokik. It was told to him by the petitioner that he works as a travel agent and had successfully provided visas for Canada to many boys through his company. The petitioner told the complainant that if anyone's visa is not granted by his firm then the firm guarantees to return all the amount with 2% interest and as guarantee, a cheque as security is also provided by the firm. The complainant fell into trap of the petitioner. He was told to pay an amount of Rs.35 lacs. The petitioner gave him a cheque of Rs.20 lacs as a guarantee and promised him to send him to Canada by 01.09.2020. An agreement was also entered into between them. The complainant handed over photocopies of his passport and educational documents to the petitioner. On 30.11.2019, the complainant transferred Rs.20 lacs from his



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account to the account of the petitioner's firm, namely, SMARB Creations through RTGS. However, neither the visa was provided to him nor the amount paid by the complainant, was returned. On his persuasion, the petitioner transferred Rs.10 lacs in his account, whereas, for the remaining amount of Rs.10 lacs, the petitioner issued a cheque bearing No.857503 dated 16.01.2021, which on presentation in the Bank, got dishonoured with the remark 'insufficient funds'. Thereafter, the petitioner issued another cheque to the complainant, but the same also got dishonoured. It was, thus, alleged that the petitioner had cheated the complainant and request was made to take legal action against the petitioner. On the registration of the FIR, the investigation commenced. Thus, the petitioner has approached this Court by way of filing the present petition for quashing the FIR.

3. It has been vehemently contended by counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present FIR on the basis of false and concocted story. He submits that there is a deliberate attempt to confuse two separate entities i.e. M/s Smarb Creations, a proprietorship owned by Jatinder Singh and M/s Smarb Creations India Ltd., a company incorporated in the 2019 under the Companies Act. He submits that names of both these companies have been intentionally misused by the complainant only in order to implicate the petitioner in a false case. It is submitted that the petitioner after leaving employment with proprietorship, the petitioner, with due permission of proprietor Jatinder Singh incorporated Smarb Creations India Ltd., which is a different company. It is submitted that there is no dishonest inducement by the petitioner at the inception of transaction, which is an essential ingredient for



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constituting offence under Section 420 IPC. He submits that no offence under Section 420 IPC is made out. It is submitted that from the facts and circumstances of the case, it is apparent that the dispute, if at all, is purely of civil nature, but the same has been given a criminal colour in order to harass the petitioner. It is further submitted that the FIR was lodged on 12.08.2023, however, challan has not been presented till date. He relies upon the judgment of Hon'ble Supreme Court in **State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335** and submits that prosecution of the petitioner 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 petitioner. He has submitted that there are specific allegations against the petitioner, who has defrauded the complainant with a huge amount. He submits that the case is under investigation.

5. The Court has heard learned counsel for the parties and perused the record with their able assistance. From the facts and circumstances of the case, it is revealed that the complainant i.e. respondent No.2 lodged the FIR against the petitioner. Specific allegations have been made against the petitioner of having cheated the complainant for an amount of Rs.20 lacs. There are specific allegations of transferring the amount as per the agreement arrived at between the parties, in the account of the petitioner through RTGS. Cheques have also been given by the petitioner in favour of the complainant as guaranteed. However, on the presentation, the same were dishonoured. As submitted before this Court the case is still under



investigation. Parameters for invoking its power under Section 528 of BNSS, 2023 by this Court, have been laid by Hon'ble Supreme Court in **Bhajan Lal's** case (supra), which read 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 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



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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. 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 528 of BNSS, 2023 sparingly with circumspection in the rarest of rare cases and also criminal proceedings ought not to be scuttled at the initial stage.

8. From the facts and circumstances of the present case, it is apparent that there are disputed questions of fact, which can be adjudicated only after carrying out a thorough investigation and leading evidence. The Court has to be circumspect for invoking its power under Section 528 of BNSS, 2023 for quashing of FIR at threshold.

9. Thus, weighing the facts and circumstances of the present case on the anvil of law settled, no ground for quashing the FIR is made out. Hence, the present petition is hereby dismissed.

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

16.10.2025
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No