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

CRM-M No.69556 of 2025

Date of Decision: 11.12.2025

Anand Mishra**..... Petitioner****Versus****State of Haryana****..... Respondent****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ*********

Present: Mr. Navmohit Singh, Advocate
for the petitioner.

*********RAJESH BHARDWAJ, J.**

1. Present petition has been filed praying for the quashing of FIR No.503, dated 05.08.2024, under Sections 120-B, 419, 420, 467, 468 and 471 of Indian Penal Code, 1860, registered at Police Station Ballabgarh City, District Faridabad, Haryana. Further prayer has been made for staying the proceedings before the learned trial Court during the pendency of the present petition.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Joginder Pal Babbar. It was alleged that brother of the complainant, namely, Mangat Lal Babbar had purchased a property, i.e. Plot No.15-16, Block E1, Sector 11, Faridabad from P. Shankar on 06.12.1985 and paid a consideration amount of Rs.1,24,820/-. It was alleged that elder brother of the complainant, namely, Mangat Lal Babbar sold the said property to



the complainant on 09.02.1989 for a consideration amount of Rs.1,87,250/- and all the documents were transferred in his name and thus, the complainant was the sole owner of the abovesaid plot. It was alleged that father of the complainant died on 11.01.1986 and his brother, namely, Mangat Lal Babbar died on 16.08.1990. On the death of his father and brother, the complainant went in depression and thus, was unable to take care of the property. Thereafter the complainant went to the Municipal Council office, Faridabad to obtain the property ID and then, he discovered that the ID was already in someone else's name. The complainant obtained a certified copy of his property ID from the Sub Registrar's office, Ballabgarh, which revealed that Sunaina Mishra, Anand Mishra and others conspired with each other and created forged and false documents, and fraudulently transferred his property in the name of Sunaina Mishra through Sr. No.1993, dated 09.06.2023 and thus, committed a fraud. The complainant discovered that P. Shankar had already expired on 26.11.2015 and despite that, a fake Power of Attorney was made in favour of Sunaina Mishra 10 months after the death of P. Shankar. It was found in Column No.17 of the sale deed that P. Shankar was still alive. The complainant, thus, prayed to take legal action against the accused, who conspired to usurp his property by committing fraud with him.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely and frivolously implicated in the present case only on account of being the husband of purchaser, namely, Sunaina



Mishra. He has submitted that neither the petitioner has been attributed any act of forgery, impersonation or fabrication nor any document has been shown to be prepared, signed or procured by him. He has submitted that the petitioner is not the purchaser and he has no role in execution of documents, verification of title, meeting sellers or handling the alleged GOA or death certificates. He has submitted that as per the police investigation, fake documents were prepared by other co-accused and not by petitioner. He has submitted that the documents given by the complainant were found to be fake. He has submitted that the petitioner simply accompanied his wife for property visit, registry process and verification. He has further submitted that prima facie, no offence as alleged is made out against the petitioner. He has submitted that the present FIR being nothing but an abuse of the process of the Court, deserves to be quashed.

4. Notice of motion.

5. Mr. Sumit Jain, Addl. A.G., Haryana, appears and accepts notice on behalf of the respondent-State. He, however, has opposed the submissions made by learned counsel for the petitioner. He has submitted that complicity of the petitioner has been prima facie established during the investigation conducted so far. He has submitted that P. Shankar had already died and despite his death, the property has been transferred on the basis of the forged documents. He has submitted that as per the inquiry conducted, neither P. Shankar nor Mangat Lal Babbar had acquired any legal right, title or interest on the plot bearing No.15-16, Block EI, Sector 11, Faridabad. He has submitted that the complainant



himself cannot claim to be the owner of the property in question. He has submitted that the case is not of a civil nature and the petitioner along with the co-accused has conspired to usurp the property in question on the basis of forgery committed. He has submitted that the case is still under investigation and thus, the present petition deserves to be dismissed.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. On the analysis of the arguments advanced and the record perused, it is transpired that the complainant, who has lodged the FIR, was himself found to be an accused. P. Shankar, who was the original owner had not been heard alive and he has been said to have died earlier. The documents produced during the inquiry conducted so far has been prima facie found to be false and fabricated. Balbir Singh, without taking the original sale deed from the original owner, namely, P. Shankar had got executed the same in his own name vide GPA No.1118, dated 22.09.2016, in lieu of Rs.6.80 Crores. No record of this GPA is found to be available and in the absence of the original owner, namely, P. Shankar, the GPA holder, Balbir Singh, had sold the said plot to Sunaina Mishra vide registered sale deed No.1993, dated 09.06.2023, while showing that P. Shankar is alive.

8. From the facts and circumstances of the case, this Court finds that the case requires a thorough investigation to unravel the mystery.



9. 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.”*

10. 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-dominatingly 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.”



11. Hon'ble the Supreme Court in the case of Neeharika Infrastructure Pvt. Ltd. vs. State of Maharastra 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.
12. 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.
13. 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.
14. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.12.2025

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

(RAJESH BHARDWAJ)
JUDGE