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

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Date of decision : 06.05.2026

Pawan Parbhakar

... Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Divyadeep Walia, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

None for respondent No.4.

H.S. Grewal, J.(Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.133 dated 30.06.2018, under Sections 420/406/506/34 IPC P.S. Civil Lines Batala, District Batala (Annexure P-1) along with all consequential proceedings arising therefrom including challan/final report presented under Sections 420, 406, 506, 34 IPC and Section 13 of the Punjab Prevention of Human Trafficking Act, 2008.

2. The case of the prosecution is that the petitioner along with his wife namely Madhuri @ Madhuri Sharma and co-accused Sunny were running an immigration business at Batala under the name and style of "Reflex Educational Institute", Qadian Road, Batala. It is alleged that they induced the complainant on the pretext of sending his son-Tajinder Singh to Canada and received an amount of Rs.16,55,000/- from him. It has further been alleged that



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the son of the complainant was sent to Malaysia on a tourist visa on 09.04.2018 and thereafter co-accused Sunny took him to Thailand.

3. Learned counsel for the petitioner submits that the petitioner is duly engaged in immigration business and was operating under a valid franchise in the name of “Dream Overseas”, G-20, Neelkanth Complex, Near Seva Sadan, Abhilasha Society Road, Anand, Gujarat. It is contended that the petitioner was holding a valid licence/certificate dated 07.09.2015, which stood renewed upto 23.04.2021 (Annexure P-3). Learned counsel further submits that the registration of the impugned FIR as well as the subsequent investigation culminating into presentation of challan is nothing but an abuse of the process of law. In support of his contention, he has relied upon affidavit/reply dated 08.04.2019 (Annexure P-9) and affidavit/reply dated 13.11.2018 (Annexure P-12) filed by the respondent-State pursuant to directions issued by this Court while deciding the bail applications of the petitioner and his co-accused for verification of the authenticity of Canadian Visa dated 15.05.2018 (Annexure P-5). He submits that in the aforesaid affidavits, the State itself has admitted that the Canadian Visa issued in favour of the son of the complainant was genuine and valid upto July, 2023. He, therefore, prays that continuation of criminal proceedings against the petitioner would amount to abuse of process of Court.

4. *Per contra*, learned State counsel, while relying upon the short reply filed by way of affidavit of Mr. Lalit Kumar, PPS, Deputy Superintendent of Police, Sub Division City, Batala, Police District Batala, submits that specific allegations regarding monetary transactions have been levelled against the petitioner and his co-accused. It is further submitted that the challan/final



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report has already been presented before the trial Court on 01.09.2018, charges have been framed on 14.07.2022 and the matter is presently fixed for prosecution evidence.

5. I have heard learned counsel for the parties and have carefully gone through the material available on record.

6. A perusal of the record reveals that the principal allegation against the petitioner is that he dishonestly induced the complainant to part with money on the pretext of sending his son abroad and that forged/fake documents were allegedly used in the process. However, the affidavits/replies filed by the respondent-State before this Court pursuant to earlier directions categorically acknowledge that the Canadian Visa dated 15.05.2018 issued in favour of the complainant's son was found to be genuine and valid upto July, 2023.

7. Once the very document forming the basis of the allegations has been verified and found to be genuine by the investigating agency itself, the foundational allegation of cheating and fraudulent inducement on the basis of forged visa documents loses substantial force. Apart from the allegations regarding payment of money, no material has been brought on record to *prima facie* establish that the petitioner had forged any document or had dishonestly induced the complainant from the very inception with an intention to cheat him.

8. It is well settled that the inherent powers under Section 482 Cr.P.C. can be exercised by the High Court to prevent abuse of the process of any Court and to secure the ends of justice. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of **State of Haryana and**



others versus Bhajan Lal and others, 1992 Supp (1) SCC 335, wherein the following observations have been made:-

“8.1. In the exercise of the extra-ordinary power under [Article 226](#) or the inherent powers under [Section 482](#) of the Code of Criminal Procedure, the following categories of cases are given 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 channelised and inflexible guide- i7 myriad kinds of cases wherein such power should be exercised:

(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 ac- cused;

(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 investi- gation 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 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;

(e) 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;

(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. ”

9. In view of the facts and circumstances of the present case, particularly the categorical stand taken by the respondent-State regarding the genuineness and validity of the visa in question, this Court is of the considered opinion that continuation of the criminal proceedings against the petitioner would amount to abuse of the process of law.

10. Consequently, the present petition is allowed and FIR No.133 dated 30.06.2018 registered under Sections 420, 406, 506 and 34 IPC at Police Station Civil Lines, Batala, District Batala, along with all consequential proceedings arising therefrom including challan/final report presented under Sections 420, 406, 506, 34 IPC and Section 13 of the Punjab Prevention of Human Trafficking Act, 2008, are hereby quashed qua the petitioner.

06.05.2026

Sonia

(H.S.GREWAL)
JUDGE

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