

**CRM-M-10813-2024****1****114**

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

**CRM-M-10813-2024
Date of Decision: 28.01.2026**

ASHWANI KUMAR ARORA**.....PETITIONER**

VERSUS

STATE OF HARYANA AND ANR**...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE H.S.GREWAL**

Present: Mr. Shiv Kumar, Advocate for the petitioner.

Mr. Sunny Namdev, AAG, Haryana.

Mr. Munish Behl, Advocate for respondent No.2.

H.S. GREWAL, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No. 842 dated 15.12.2022 (Annexure P-3) under Sections 406/420 of IPC registered at Police Station Sector 8, District Faridabad and all consequential proceedings arising out of the same.

2. The allegations against the petitioner are that he approached the complainant and her husband for a loan of ₹16,00,000/- and assured them that the said amount would be returned at the earliest. Acting on his assurance, the complainant advanced a sum of ₹16,00,000/- without interest to the petitioner through two cheques dated 15.05.2017 and 16.08.2018. Thereafter, the complainant filed a civil suit for recovery of the

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said amount of ₹16,00,000/- along with pendente lite interest against the petitioner.

3. Learned counsel for the petitioner submits that a civil suit pertaining to the same subject matter is still pending before the Id. trial Court. He further submits that on the very same cause of action, the complainant had moved an application under Section 156(3) Cr.P.C. for registration of a case under Sections 420 and 406 IPC, and vide order dated 07.12.2022, the learned Trial Court directed the concerned SHO to register an FIR, pursuant to which the present FIR came to be registered on 15.12.2022. It is further contended that the dispute is purely civil in nature and that a suit for recovery of the amount in question has already been filed and is still pending, thereby showing that respondent No. 2 has already availed his civil remedies. In light of the above circumstances, the registration of the FIR amounts to an abuse of the process of law; consequently, the FIR in question, along with all consequential proceedings arising therefrom, is liable to be quashed.

4. Mr. Munish Behl, Advocate appears and filed his memo of appearance on behalf of respondent No.2 in the Court today and the same is taken on record. He has not refuted the factum of pendency of the civil suit.

5. I have heard learned counsel for the parties and perused the record.

6. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the dispute between the parties is essentially



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civil in nature and has been given a criminal colour. The complainant has already availed his civil remedies in respect of the same cause of action, which are still pending adjudication. Continuation of the criminal proceedings in the present case would, therefore, amount to an abuse of the process of law. Accordingly, the petition is allowed and the FIR in question, along with all consequential proceedings arising therefrom, is hereby quashed.

28.01.2026
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(H.S.GREWAL)
JUDGE

Whether speaking/ reasoned :	Yes/No
Whether Reportable :	Yes/No