



125

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

CRM-M No.9877 of 2020

Date of Decision: 27.01.2026

Tanya Pandey

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajiv Sharma, Advocate and
Ms. Sonia Sharma, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Rohit Sud, Advocate and
Mr. Sameesh Bassi, Advocate
for respondent No.2.

Mr. Hardeep Singh, Advocate
for respondent No.5.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for quashing of FIR No.684, dated 05.09.2016, under Section 408 IPC, registered at Police Station DLF Sector 29, District Gurugram, Haryana along with challan No.1 dated 05.02.2019 presented under Section 408 IPC along with all consequential proceedings arising therefrom. Further prayer has been



made for staying the further proceedings arising out of FIR 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-respondent No.2, namely, M/s Kaya Limited through its Authorized signatory. It was alleged that our company, i.e. Kaya Limited is a company incorporated under the Indian Companies Act and in the year, 2002, our company opened its first skin clinic at Bandra, Mumbai. In the past 14 years, our company has opened various clinics across the country including the clinic at DLF, Galleria Market, Gurgaon, Haryana and Ms. Kritika Tripathy was appointed as Assistant Clinic Manager on 5th January, 2015 and was deputed in Kaya Skin Clinic at Galleria Market for the period from March, 2015 to December, 2015 wherein she was the incharge of looking after the accounts and management of clinic along with Ms. Manpreet (CCE) and Ms. Vungzamawi Valte (CCE). The work of Ms. Kritika Tripathy was supervised by her manager, Tanya Pandey, Area Manager. The audit inspection was carried out at the Kaya Skin Clinic at Galleria Market, Gurgaon and report in this regard was submitted on 22.12.2015, wherein various irregularities/discrepancies regarding mismanagement in the accounts of said clinic for the period of April-December-2015 have been found. On perusal of the audit report and account/billing statement of said clinic, it was revealed that out of business of Rs.2.20 Crores carried out by the clinic, only 1.05 Crores was transferred and reflected in the company's account and the remaining



1.05 Crores had been illegally, dishonestly and clandestinely misappropriated, thereby causing huge wrongful losses to our company. It was alleged that during the enquiry conducted, it was found that our company representatives, namely, Tanya Pandey, Kritika Tripathy, Manpreet Kaur and Vungzamavi Valte and other unknown persons in conspiracy with each other siphoned off an amount of Rs.1.05 Crores of the complainant-company. The request was made to take legal action against the accused and thus, the present FIR was registered. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for quashing of the present FIR.

3. Learned counsel for the petitioner has submitted that in all there are 04 accused in the present FIR and the petitioner has been roped in the FIR only on the basis of *buzz* allegations. He has submitted that the allegations regarding siphoning off Rs.1.05 Crores are against the co-accused, namely, Kritika Tripathy, who has entered into the compromise with the complainant and the amount alleged to have been misappropriated, has already been paid. He has submitted that the present FIR qua the co-accused, namely, Kritika Tripathy and Manpreet Kaur had already been quashed by this Court vide orders dated 05.03.2020 and 05.09.2023, respectively, passed in CRM-M-5921-2019 and CRM-M-47194-2019. He has further submitted that the present petitioner, namely, Tanya Pandey was the Area Manager, against her also the similar allegations have been made and thus, the present FIR deserves to be quashed qua her as well.



4. Learned counsel for respondent No.2 has also affirmed the same and has submitted that the main allegations were against the co-accused, namely, Kritika Tripathy, who has entered into the compromise with the complainant. He has further submitted that he has no objection if the FIR qua the petitioner stands quashed.

5. Learned counsel for the State has also affirmed the same.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. It has been transpired that the present FIR has been lodged on the statement of complainant-respondent No.2, namely, Manoj Sain, authorized signatory, M/s Kaya Ltd. The allegations made in the FIR are that Tanya Pandey, Kritika Tripathy, Manpreet Kaur, Vungzamavi Valte and other unknown persons in conspiracy with each other had siphoned off Rs.1.05 Crores of the complainant-company. However the allegations regarding siphoning off Rs.1.05 Crores are against co-accused, Kritika Tripathy, who has entered into the compromise with the complainant and the amount alleged to have been misappropriated has already been paid. FIR qua the co-accused, namely, Kritika Tripathy and Manpreet Kaur has already been quashed and the petitioner was the Area Manager, against her also, the same allegations have been made.

8. A bare perusal of statutory provision of the 528 of B.N.S.S. would show that the High Court may make such orders, as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.



Section 359 B.N.S.S. is equally relevant for consideration, which prescribes the procedure for compounding of the offences under the Bharatiya Nyaya Sanhita.

9. The Hon'ble Supreme Court in a number of cases including *Narinder Singh and others Versus State of Punjab and another, 2014 (6) SCC 466; B.S.Joshi and others vs State of Haryana and another (2003) 4 Supreme Court Cases 675* followed by this Court in Full Bench case of *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR 1052* have dealt with the proposition involved in the present case and settled the law.

10. Thereafter, Hon'ble Supreme Court in *Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303* further dealt with the issue and the earlier law settled by the Supreme Court for quashing of the FIR in *State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335*. Para 61 of the judgment reads 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 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 serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like 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 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. As a result, this Court finds that the case in hand squarely falls within the ambit and parameters settled by judicial precedents and hence, FIR No.684, dated 05.09.2016, under Section 408 IPC, registered at Police Station DLF Sector 29, District Gurugram, Haryana along with challan No.1 dated 05.02.2019 presented under Section 408 IPC along with all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

12. Petition stands allowed.

27.01.2026
rittu

(RAJESH BHARDWAJ)
JUDGE

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