

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Misc. No. M-11718 of 2020 (O&M)****Date of Decision: 09.02.2026**

Pargat Singh and Another

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.Present: Mr. Damanjit singh Sandhu, Advocate
for the petitioner(s).Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent No.1.Mr. Rajesh Bhatheja, Advocate
for respondent No.2.**Surya Partap Singh, J.**

1. For quashing of FIR No. 88 dated 10.07.2019 Police Station Badhni Kalan, District Moga, Punjab the present petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed.

2. The above mentioned FIR has been lodged for the commission of offence punishable under Sections 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at the instance of 'Harpreet Kaur', hereinafter being referred to as "complainant" only.

3. The pith and substance of the above mentioned FIR is that as per complainant her marriage was solemnized with 'Amandeep Singh' son of the petitioners and that 'Amandeep Singh' had passed away. According

namely 'Guntaj Kaur' was born and that on the death of 'Amandeep Singh', who died intestate there were three legal heirs of 'Amandeep Singh', i.e. petitioner No.2-'Harbans Kaur', complainant/respondent No.2 'Harpreet Kaur' and minor daughter 'Guntaj Kaur'. It was alleged by the complainant that 'Amandeep Singh' was owner of a car bearing registration No. PB-10-DS-0561 and that on his death all his three legal heirs are entitled to inherit the above mentioned movable property in equal share. According to complainant with an intention to deprive the complainant and her minor daughter of their lawful rights the petitioners sworn false affidavits containing therein that the petitioners were the only surviving legal heirs of deceased-'Amandeep Singh'. As per complainant by swearing the above mentioned false affidavits, the above mentioned car was got transferred by the petitioners in the name of petitioner No.2 and thus, they committed cheating with the complainant.

4. Heard.

5. It has been contended on behalf of petitioners that the petitioners are innocent having no *mens rea* to commit the offence of cheating with the complainant. As per learned counsel for the petitioners in fact on the death of 'Amandeep Singh' when a dispute cropped up between the petitioners and complainant with regard to sharing of property of deceased, a compromise had taken place between the parties and as per above mentioned compromise, a part of agricultural estate owned by the petitioner No.1 was given to the complainant/respondent No.2. As per learned counsel for the petitioners in view of the above mentioned settlement the petitioners were under a bonafide impression that they are entitled to

own the car, as in lieu of share of complainant/respondent No.2 agricultural land was given to her. According to learned counsel for the petitioners under the above mentioned bonafide belief in order to get the car transferred in the name of petitioner No.2 the above mentioned affidavits were sworn. On the basis of above mentioned arguments, the learned counsel for the petitioners has contended that since there was no *mens rea* behind the swearing of above mentioned affidavits, no criminality can be attached to the above mentioned act of the petitioners. As per learned counsel for the petitioner the proper remedy available to the petitioners lies in a suit for partition of the above mentioned property and not the FIR.

6. The learned State counsel being assisted by learned counsel for the complainant/respondent No.2 has controverted the above mentioned arguments. According to learned State counsel in the present case the factum of swearing of affidavits by the petitioners containing false averments amounts to an offence of creating a false document and since the above mentioned document was used for transfer of car in the name of petitioner No.2, depriving the complainant of her lawful claim, the above mentioned act of the petitioners amounts to cheating. It has also been contended by the learned State counsel that a false plea has been taken by the petitioners in the present case and it is the matter of trial to adjudicate upon as to whether there was any *mens rea* on the part of petitioners or not. According to learned State counsel, being assisted by the learned counsel for respondent No.2, the instant revision petition is devoid of merits and deserves dismissal.

7. The record has been perused carefully.

8. A perusal of above mentioned record shows that there are several facts which have been admitted by both the parties. Those facts are:-

- i) that the petitioners and respondent No.2 belong to the same family as petitioners are parents and the respondent No.2 widow of 'Amandeep Singh (now deceased);
- ii) that as 'Amandeep Singh' died intestate, thus, as per law of succession his estate is to be inherited by the petitioner No.2, respondent No.2 and 'Guntaj Kaur' in equal share;
- iii) that in view of above mentioned rule of succession the car bearing registration No. PB-10-DS-0561, too, has to be inherited by the above named three persons in equal share;
- iv) that the petitioners have sworn affidavits claiming therein that except the petitioners there is no other legal heir of deceased 'Amandeep Singh'. The petitioners had used the above mentioned affidavits for transfer of registration of above mentioned car in the name of petitioner No.2; and
- v) that the above mentioned exercise apparently created a cloud on rights of the respondent No.2 qua a share in the ownership of above mentioned car;

9. In the light of above mentioned factual matrix of the case if the claim of the petitioners for quashing of FIR is examined, it transpires that there are following three pleas have been raised by the petitioners:-

- I) that there was no *mens rea* behind the swearing of above mentioned affidavits.
- II) As far as the above mentioned ground is concerned, it is hereby observed that at this stage, in a petition for quashing of FIR, this fact cannot be adjudicated as to whether there was *mens rea* behind the commission of act alleged to have been committed by the petitioner or not. Such question can be determined at the time of final

adjudication of trial only.

- II) the second plea of petitioners is that the dispute between the petitioners and respondent No.2 is of civil nature.
- III) Qua the above mentioned plea, it is relevant to note here that in the present case there are allegations of swearing of affidavits containing false averments. Such an issue cannot be a civil dispute in any manner, whatsoever. Thus, on the above mentioned plea also no ground for quashing of FIR is made out.
- IV) the third ground raised by the petitioners is that a compromise has been effected between the parties with regard to distribution of estate of deceased 'Amandeep Singh' and therefore, the petitioners had become owner of the above mentioned car.
- V) Qua above mentioned plea, it is relevant to mention here that the copy of compromise arrived between the parties has been placed on record by the petitioners and the above mentioned document shows that there is no reference of relinquishment of right of respondent No.2 and her daughter in the car in question.

10. Taking into consideration the cumulative effect of all the above mentioned factors, it is hereby held that no ground for exercising of extraordinary jurisdiction is made out in the present case.

11. With regard to scope and indulgence of this Court for exercising extraordinary jurisdiction, the guiding principles, wherein extraordinary jurisdiction for quashing of FIR can be exercised, has been laid down by the Hon'ble Supreme Court of India in the case of Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others 2021 SCC Online SC 315. Those guidelines prescribe that:

- “a) Courts would not thwart any investigation into the cognizable offences;

- b) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;
- c) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare cases (not to be confused with the formation in the context of death penalty);
- d) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;
- e) Criminal proceedings ought not to be scuttled at the initial stage;
- f) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- g) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;
- h) The functions of the judiciary and the police are complementary, not overlapping;
- i) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;
- j) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- k) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court; And
- l) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power

under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR.”

12. In addition to above, in the case of ‘State of Haryana Vs. Ch. Bhajan Lal’, 1991(1) RCR 383, the Hon’ble Supreme Court of India after reviewing large number of cases on the question of quashing of FIR has laid down that the FIR can be quashed in the following circumstances:-

- 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 accused.
- 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 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.
- 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 F.I.R. 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.

- D) Where the allegations made in the F.I.R. 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.
- E) 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.
- F) 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.

13. Similarly in the case of ‘Sadiq B. Hanchinmani Vs. State of Karnataka’, 2025 AIR Supreme Court 5486, the Hon’ble Supreme Court of India has ruled that police investigation should be allowed to proceed unless exceptional circumstances warrant intervention. According to Hon’ble Supreme Court of India the High Court should not interfere with the investigation when allegations in FIR disclose cognizable offences.

14. In the case of ‘M/s Balaji Traders Vs. The State of U.P. & Another’ 2025(3) RCR (Criminal) 175, the Hon’ble Supreme Court of India has ruled that jurisdiction of quashing of FIR should be exercised sparingly in the ‘rarest of rare cases’. As per Hon’ble Supreme Court of India allegations in FIR or complaint must be taken at face value and accepted in their entirety to assess whether they disclose a cognizable

15. In the case of ‘Muskan Vs. Ishaan Khan (Sataniya)’, 2025 SCC Online 2355, the Hon’ble Supreme Court of India held that the Court should not conduct a mini-trial at the stage of quashing and that quashing of FIR should be an exception and exercised sparingly in rarest of rare cases. The Hon’ble Supreme Court of India has further held that Courts cannot embark upon an enquiry as to the reliability or genuineness of allegations made in the FIR/complaint.

16. If the facts situation of the present case and the relevant legal propositions, discussed above, are conjointly taken into consideration it transpires that there is no merit in the present petition and the same deserves dismissal. Hence, the present petition is hereby **dismissed**, accordingly.

17. The pending miscellaneous application(s), if any, shall stand disposed of.

(Surya Partap Singh)
Judge

February 09, 2026
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No