IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(201) CRM-M-17455-2024 (O&M)
Date of Decision:**02.07.2026**

SIFATPAL KAUR

... Petitioner

Versus

STATE OF PUNJAB ANA ANOTHER

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Nitin Verma, Advocate
for the petitioner.

Ms. Navreet Kaur, AAG, Punjab.

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VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been instituted under Section 482 of the Code of Criminal Procedure, 1973, invoking the inherent jurisdiction of this Court, with a prayer for quashing FIR No. 0133 dated 21.08.2018, registered under Sections 420 and 120-B of the Indian Penal Code, 1860, at Police Station Sadar Sri Muktsar Sahib (Annexure P-1), along with all consequential proceedings arising therefrom.

2. The prosecution case, in brief, is that in February, 2018, the complainant intended to send his daughter, Ramandeep Kaur, abroad. One Mangal Singh, a friend of the complainant, introduced him to the accused Gurlabh Singh who was allegedly engaged in the business of overseas immigration and travel consultancy. It is alleged that accused Gurlabh Singh represented that he could facilitate the complainant's daughter's

travel abroad for a total consideration of ₹16,00,000/- and demanded an advance payment of ₹3,00,000/-. Acting upon such representation, the complainant initially transferred ₹20,000/- through banking channels and, thereafter, on 03.03.2018, paid a further sum of ₹2,80,000/- in cash to accused Gurlabh Singh in the presence of petitioner at his residence, in the presence of Mangal Singh and other witnesses. Subsequently, on the assurance that the requisite process had been completed, the complainant allegedly paid an additional amount of ₹1,00,000/- on 16.04.2018, comprising ₹90,000/- through bank transfer and ₹10,000/- in cash. The accused thereafter informed the complainant that an interview had been scheduled at the United States Embassy, Mumbai, on 24.04.2018. However, when the complainant and his daughter reached Mumbai on 23.04.2018, they allegedly discovered that no such interview had been scheduled and that they had been deceived. Thereafter, a Panchayati compromise dated 30.07.2018 was arrived at in the presence of police officials, wherein the petitioner allegedly undertook to refund ₹4,00,000/-, and the present petitioner is stated to have affixed her right thumb impression on the compromise. Since the promised amount was not returned, the complainant submitted a complaint dated 31.07.2018 before the Senior Superintendent of Police, Sri Muktsar Sahib, alleging commission of offences of cheating and criminal conspiracy by the accused persons. The matter was entrusted for enquiry to the Deputy Superintendent of Police, Sri Muktsar Sahib, who found the allegations to be substantiated. Upon approval of the enquiry report by the Senior

Superintendent of Police, after obtaining the legal opinion of the Deputy District Attorney (Legal), Sri Muktsar Sahib, the present FIR came to be registered against the accused persons.

3. Learned counsel appearing on behalf of the petitioner has vehemently contended that the allegations contained in the impugned FIR, even if accepted in entirety, do not disclose the commission of any cognizable offence against the petitioner. It is submitted that the petitioner's name has been introduced in the FIR in a wholly vague and omnibus manner, without attributing any specific role, overt act, or criminal intent to her. The gravamen of the allegations is directed exclusively against Gurlabh Singh, son of the petitioner, who allegedly entered into the agreement with the complainant for facilitating the foreign travel of his daughter and received the entire consideration. It is argued that the petitioner has merely been alleged to have been present at the time when an amount of ₹2,80,000/- was allegedly handed over to Gurlabh Singh, which, by itself, is wholly insufficient to infer her participation in the alleged offences of cheating or criminal conspiracy. Learned counsel further submits that the prosecution has sought to implicate the petitioner solely on the basis of a Panchayati compromise dated 30.07.2018, wherein it is alleged that she agreed to facilitate the repayment of the amount received by her son. Even assuming, for the sake of argument, that the petitioner was a signatory to the said compromise, any alleged breach thereof would, at the highest, give rise to a civil liability and cannot, by any stretch of imagination, constitute the ingredients of a criminal offence.

It is, therefore, contended that the continuation of the criminal proceedings against the petitioner amounts to a gross abuse of the process of law and warrants interference by this Court in exercise of its inherent jurisdiction.

4. Per contra, learned State counsel has opposed the petition and submitted that the material collected during the course of investigation prima facie discloses the active involvement of the petitioner in the commission of the alleged offences. It is contended that the compromise dated 30.07.2018 clearly reflects the petitioner's knowledge of the transaction as well as her participation in the settlement arrived at with the complainant. It is further submitted that the accused persons, including the present petitioner, failed to honour the terms of the compromise and thereby acted in concert to cheat the complainant. Learned State counsel argues that, at the stage of considering a petition for quashing under Section 482 Cr.P.C., this Court is only required to examine whether the allegations contained in the FIR, taken at their face value, disclose the commission of a cognizable offence, and not to undertake a meticulous appreciation of the evidence or adjudicate disputed questions of fact. It is, accordingly, prayed that the present petition, being devoid of merit, deserves to be dismissed.

5. I have heard the learned counsel for the parties at considerable length and have carefully perused the pleadings, the material placed on record, and the paper-book with their able assistance.

5.1. In support of the aforesaid submissions, reliance has been placed upon the authoritative pronouncements of the Hon'ble Supreme

Court in **State of Haryana & Ors. v. Ch. Bhajan Lal & Ors., 1991 (1) RCR (Criminal) 383**, and **M/s. Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, (2021) 19 SCC 401**, to contend that the inherent jurisdiction of the High Court must be exercised sparingly and only in exceptional circumstances.

6. The contours of the power to quash FIRs/complaints under Section 482 Cr.P.C (Now Section 528 of BNSS) are well defined. The disputed questions of fact can only be adjudicated after the parties have duly adduced their evidence. The High Court, in exercise of its inherent powers under Section 482 Cr.P.C is obliged to make a just and equitable choice and cannot go beyond its ambit to evaluate the truthfulness of the allegations or the veracity of the defence, however, convincing it might seem. The Court is not required to examine the defence of the accused or conduct a mini-trial at this stage. Any such attempt would be impermissible in law as it would amount to giving finality to the accusations even before the prosecution is allowed to adduce evidence to substantiate the same. The Hon'ble Supreme Court in the landmark judgment of ***State of Haryana & Ors. v. Ch. Bhajan Lal & Ors., 1991 (1) RCR(Criminal) 383*** has laid down as following:

> *"107. 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 channelised 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.*
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> *2. 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.*
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> *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 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.

5. 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.

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.

108. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the Court will not be justified in embarking upon an enquiry as to the

> *reliability or genuineness or otherwise of the allegations made in the F.I.R. or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whim or caprice."*

7. In ***M/s. Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, (2021) 19 SCC 401***, the 3-Judge Bench of Hon'ble Supreme Court reiterated the above principles and elaborately considered the scope and extent of the power under Section 482 Cr.P.C., 1973. It was observed that the power of quashing should be exercised sparingly, with circumspection and in the rarest of rare cases, such standard not being confused with the norm formulated in the context of the death penalty. It was further observed that while examining the 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 therein, but if the Court thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, and more particularly, the parameters laid down by Apex Court in ***R.P. Kapur v. State of Punjab AIR 1960 SC 866*** and ***State of Haryana and others v. Bhajan Lal (supra)***, the Court would have jurisdiction to quash the FIR/complaint.

8. In the light of above guidelines, I have given my thoughtful consideration to the rival submissions and have carefully examined the contents of the impugned FIR as well as the material placed on record. A plain reading of the FIR reveals that the entire transaction for facilitating the foreign travel of the complainant's daughter was negotiated and

concluded by Gurlabh Singh, who allegedly represented that he could procure the requisite visa with the assistance of his father. It is specifically alleged that a total consideration of ₹16,00,000/- was settled, whereupon an advance amount of ₹3,00,000/- was paid, comprising ₹20,000/- through electronic transfer and ₹2,80,000/- in cash on 03.03.2018. Although it is alleged that the present petitioner accompanied Gurlabh Singh to the complainant's residence when the cash amount was handed over, there is no specific allegation that she either negotiated the transaction, induced the complainant to part with the money, received the consideration, or made any representation capable of constituting the essential ingredients of the offences alleged. The subsequent allegations in the FIR also indicate that the complainant remained in continuous contact with Gurlabh Singh and Jagtar Singh regarding issuance of the visa and refund of the money, and that they allegedly misled the complainant by directing him to appear at Mumbai on the false pretext of an interview before the United States Embassy. It is only after the visa could not be procured and the amount remained unpaid that the complainant approached the police seeking refund of the money and initiation of criminal proceedings against Gurlabh Singh.

8.1. The record further discloses that, during the enquiry conducted pursuant to the complaint dated 28.07.2018, a Panchayati compromise was produced, wherein it was alleged that the present petitioner had undertaken to facilitate repayment of the amount received by her son. However, the gravamen of the allegations against the petitioner rests solely upon her alleged participation in the said compromise and the subsequent failure to ensure compliance with its terms.

8.2. In the considered opinion of this Court, even if the entire prosecution case, as narrated in the FIR, is accepted in its entirety without any rebuttal, the allegations do not disclose the commission of any cognizable offence against the present petitioner. The FIR does not attribute any specific act of deception, fraudulent inducement, dishonest representation, or participation in the alleged conspiracy so as to prima facie attract the offences punishable under Sections 420 or 120-B of the Indian Penal Code, 1860. The petitioner's alleged liability emanates solely from the subsequent Panchayati compromise, and any failure on her part to honour the terms thereof may, at the highest, constitute a breach of contractual or civil obligations, giving rise to appropriate civil consequences. Such breach, by itself, cannot be permitted to assume the colour of a criminal offence in the absence of the requisite mens rea or the foundational ingredients constituting the alleged offences. Permitting the criminal prosecution against the petitioner to continue in these circumstances would amount to a clear abuse of the process of law and would result in the misuse of the criminal justice system for enforcing what is essentially a civil liability.

8.3. Accordingly, the present petition deserves to succeed and is hereby allowed. FIR No. 0133 dated 21.08.2018, registered under Sections 420 and 120-B of the Indian Penal Code, 1860, at Police Station Sadar Sri

Muktsar Sahib (Annexure P-1), along with all consequential proceedings arising therefrom, are quashed qua the present petitioner only.

9. Consequent upon the final adjudication of the principal matter, all pending miscellaneous applications, if any, arising out of or ancillary to the present proceedings, shall also stand disposed of. No further or separate orders are required to be passed in respect thereof.

(VIRINDER AGGARWAL)
JUDGE

02.07.2026
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No