



CRM-M-19461-2026 (O&M)

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

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CRM-M-19461-2026 (O&M)**Reserved on: 11.05.2026****Pronounced on: 21.05.2026**

DR. RAJESH AGGARWAL

..... PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Mansur Ali, Senior Advocate with
Mr. Vaibhav Garg, Advocate &
Ms. Amarpreet Kooner, Advocate
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J.

1. The extra-ordinary jurisdiction vested in this Court by virtue of Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred as "BNSS", has been invoked by filing the present petition.

The prayer sought in the present petition are manifolds such as:-

- i. to quash the order dated 22.12.2025 passed by learned
Judicial Magistrate 1st Class, Jalandhar in a case bearing



CNR No.PBJL030018702024 titled as 'Dr. Pankaj Trivedi Vs. State of Punjab and others'

- ii. to quash the FIR No.0233 dated 23.12.2025, under Sections 420, 465, 467, 468, 471, 477-A, 120-B Indian Penal Code, Police Station Navi Baradari, Police Commissionerate Jalandhar.
- iii. to stay the operation of above-mentioned order dated 22.12.2025.
- iv. to stay further proceedings pursuant to above-mentioned FIR.
- v. to issue appropriate direction to the respondent not to take any coercive action against the petitioner.
- vi. to issue any other direction which this Court may deem fit.

2. In nut-shell, the facts emerging from record are that the present petition has been filed by the petitioner, who is a transplant surgeon, but facing a prosecution by virtue of FIR No.233 dated 23.12.2025 for the commission of offence under Sections 420, 465, 467, 468, 471, 477-A, 120-B Indian Penal Code, Police Station Navi Baradari, District Police Commissionerate Jalandhar.



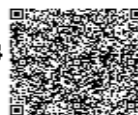
3. As per record, the above-mentioned FIR came into being pursuant to an order passed by the learned Judicial Magistrate dated 22.12.2025, hereinafter being referred to as 'impugned order'. The above-mentioned order was passed in the exercise of jurisdiction, vested in the Court of learned Judicial Magistrate, hereinafter being referred to as trial Court, by virtue of Section 175(3) of Bhartiya Nagrik Surksha Sanhita, 2023 [corresponding to Section 156(3) of Cr.P.C.] on a complaint filed by the respondent No.2. Aggrieved of the impugned order passed by the learned trial Court which resulted into registration of above-mentioned FIR, the present petition has been filed.

4. Notice of motion.

5. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State. Hence, the service of notice upon the State is hereby dispensed with.

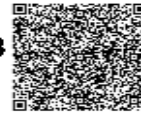
6. Heard.

7. It has been contended by learned Senior counsel for the petitioner that the filing of complaint by the respondent No.2 and exercise of jurisdiction by the learned trial Court under Section 175(3) of the Bhartiya Nagrik Surksha Sanhita, 2023, hereinafter being referred to as BNSS only, are nothing but an abuse of process of law. As per learned Senior counsel for the petitioner on the basis of totally false, frivolous and baseless allegations,



the complaint was filed before the learned trial Court and the learned trial Court without application of judicial mind, in the exercise of jurisdiction vested in the Court by virtue of Section 175(3) of BNSS issued a direction to the police to register the FIR and investigate the same, by virtue of impugned order.

8. With regard to above-mentioned jurisdiction exercised by the learned trial Court it has been contended by learned Senior counsel for the petitioner that the petitioner has unblemished professional carrier spanning over large number of years specially in critical care, and that with regard to cheating and forgery committed by the respondent No.2, the FIR No.139 dated 26.10.2021 was registered in the Police Station Navi Baradari, Jalandhar. As per learned counsel for the petitioner in the above-mentioned FIR, the complainant Dr. Kapil Gupta had levelled allegation against the respondent No.2, that he had purportedly collected money from patient without depositing the same into the account, and thus, committed the offence of cheating. According to learned Senior counsel for the petitioner, the police prepared a cancellation report in the above-mentioned FIR, and that the impugned FIR is a counterblast to the FIR No.0139 dated 26.10.2021 lodged by Dr. Kapil Gupta. According to learned Senior counsel for the petitioner, the respondent No.2 is using police machinery for settling the score with the petitioner, and that purely a dispute of civil nature has been converted into a criminal case.



9. The learned Senior counsel for the petitioner has also contended that the respondent No.2 had filed a complaint against the petitioner and other doctors, but the police finding no force in the above-mentioned complaint and did not take any action, and therefore, the respondent No.2 resorted to filing a complaint in the Court of learned Judicial Magistrate and then seek a direction under Section 175(3) of BNSS, to the police to register the FIR.

10 As per learned Senior counsel for the petitioner in fact the dispute between the petitioner and the respondent No.2 is a dispute with regard to accounting for which only civil remedy is available, but merely on the basis of false and frivolous ground, the FIR has been lodged. It has been pointedly argued by learned Senior counsel for the petitioner that in the FIR there are allegations of committing forgery of balance sheet and the falsity of the allegation of the respondent No.2 can be gauged from the fact that he has gone to the extent of levelling allegation of uploading two different balance sheets at different stage which is not possible at all. While referring to the principles of law laid down in the cases listed below, the learned Senior counsel for the petitioner has contended that instant case is one of the fittest case wherein the extraordinary jurisdiction to stop the perpetuation of injustice should be exercised. The learned Senior counsel for the petitioner has placed reliance upon the following judgments:-



- a) By the Hon'ble Supreme Court of India in the case of 'A.P. Mahesh Cooperative Urban Bank Shareholders Welfare Association Vs. Ramesh Kumar Bung and Ors' Law Finder Doc ID 1857055.
- b) By the Hon'ble Supreme Court of India in the case of 'Shailesh Kumar Singh Alias Shailesh R. Singh Vs. State of Uttar Pradesh & Ors.' Law Finder Doc ID 2751668.
- c) By the Hon'ble Supreme Court of India in the case of 'Deepak Kumar Shrivastava & Anr. Vs. State of Chhattisgarh & Ors', Law Finder Doc ID 2499411,
- d) By the Hon'ble Supreme Court of India in the case of 'M/s Shikhar Chemicals Vs. The State of Uttar Pradesh & Anr'. Law Finder Doc ID 2759898.

Thus, it has been urged by learned Senior counsel for the petitioner that in the exercise of above-mentioned extra-jurisdiction while accepting the present petition, the impugned order passed by the learned trial Court vis-à-vis the impugned FIR should be quashed.

11. The above-mentioned arguments have been controverted by the learned State counsel. It has been contended by learned State counsel that in the present case the FIR has been lodged on the direction issued by the learned Judicial Magistrate in the exercise of jurisdiction vested by virtue of

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Section 175(3) of BNSS. According to learned State counsel the investigation in the present case is still in progress and all the facts are yet to crystallize, and therefore, at this stage approaching this Court by virtue of present petition is uncalled for.

12. The learned State counsel has further contended that at this stage this plea of the petitioner cannot be accepted that there is no substance in the allegation levelled by the respondent No.2 in the complaint/FIR. In view of above, it has been contended by learned State counsel that in the given fact situation, there is no scope for indulgence or interference in the impugned order, vis-a-vis the investigation being conducting by the police. According to learned State counsel the present petition being devoid of merit deserves dismissal.

13. The record has been perused carefully.

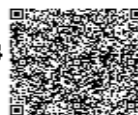
14. In the present case at the very out-set it is pertinent to mention here that the impugned order has been passed by the learned trial Court on the basis of complaint filed by the respondent No.2. Since in the above-mentioned complaint there are very specific and categorical allegations with regard to cheating and forgery of documents, which have been used as genuine document for drawing benefit, it is hereby held that the learned trial Court had drawn a right conclusion that on the basis of allegation contained in the complaint, the cognizable offence was made out and thus, rightly



exercised a jurisdiction to issue a direction to the police to register the FIR and investigate the matter.

15. The above-mentioned exercise of jurisdiction by the learned trial Court is nothing but a *prima facie* satisfaction that as per allegations contained in the complaint a cognizable offence is made out and the impugned order *ipso facto* does not mean that any finding has been recorded by learned trial Court with regard to guilt of the petitioner. For the sake of argument even it is assumed that the allegations contained in the FIR are contrary to the truth, the same are bound to surface during the course of investigation. If the stand taken by the petitioner is true than definitely it will come into the knowledge of Investigating Agency. Once the above-mentioned truth is revealed to the Investigating Agency it will not be able to collect evidence against the petitioner which will essentially lead to filing a report in the Court of Judicial Magistrate, under Section 193 BNSS, seeking for cancellation of FIR.

16. Thus, in my opinion simply because a direction for registration of FIR has been issued and the probe is being conducted by the Investigating Agency is not going to cause any prejudice to the rights of the petitioner. The instant case is not a case, wherein on the basis of allegations contained in the FIR, on the face of it, this inference can be drawn that the allegations levelled by the respondent No.2 with regard to cheating and forgery are false.

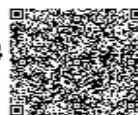
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17. In the case of 'Deepak Kumar Shrivastava & Anr.' (supra), the FIR was lodged against the appellant and his brother alleging that for providing job to the daughter of respondent No.6 in April, 2019, respondent No.6 paid Rs.4,00,000/- in cash and there was no bank transaction. In the above-mentioned case before registration of FIR an enquiry was conducted and report was submitted to Sub Divisional Officer, who directed for registration of FIR. In the enquiry, it was found that both the parties had made allegations against each other of taking money for providing job.

18. In the above-mentioned case the Hon'ble Supreme Court of India observed that transaction between the parties involved unlawful contract where money was exchanged for securing job in Government or private sector. As per Hon'ble Supreme Court of India such contract cannot be legally enforced specially when payments are made entirely in cash. It was also observed by the Hon'ble Supreme Court of India that motive behind lodging of FIR was not the criminal prosecution but to coerce the appellant into settling dispute by paying back money. According to Hon'ble Supreme Court of India both the parties were accused of unethical or possibly criminal behavior indicating shared responsibility for situation. The Hon'ble Supreme Court of India has been pleased to quash the above-mentioned FIR.

19. In the case of 'Shailesh Kumar Singh @ Shailesh R. Singh' (supra), the Hon'ble Supreme Court of India has observed that filing of FIR

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in civil dispute to recover money, amount to an abuse of process of law. As per Hon'ble Supreme Court of India civil dispute should be resolved through appropriate legal remedies and not through criminal procedure.

20. In the case of 'M/s Shikhar Chemicals' (supra) there was a dispute with regard to payment of balance amount in business transaction, the Hon'ble Supreme Court of India in the above-mentioned case observed that criminal proceedings in cases of pure civil dispute constitute abuse of process of law.

21. If the facts and circumstances of the present are analyzed in the light of above-mentioned guiding principles of law, it transpires that in the present case *firstly* the dealings between the petitioner and the complainant were not illegal and *secondly* there being allegations with regard to forgery of documents, the dispute cannot be said purely a dispute of civil nature.

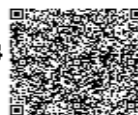
22. Thus, it is hereby held that the principles of law propounded by the Hon'ble Supreme Court of India in the case of 'Deepak Kumar Shrivastava & Anr.' (supra), 'Shailesh Kumar Singh @ Shailesh R. Singh' (supra) and 'M/s Shikhar Chemicals' (supra) are not applicable to the facts and circumstance of the present case.

23. For the adjudication of the present petition, it is relevant to mention here that there are fix parameters wherein the extraordinary jurisdiction vested in this Court can be exercised for quashing of FIR. The guiding principles in this regard have 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) 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).
- b) 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;
- c) Criminal proceedings ought not to be scuttled at the initial stage;
- d) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- e) 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;
- f) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- g) 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;
- h) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint



imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur and Bhajan Lal, has the jurisdiction to quash the FIR/complaint;

24. 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:-

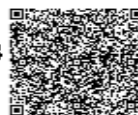
- a) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
- b) Where the allegations in the First Information Report and 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 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.

25. With regard to similar situation, the Hon'ble Supreme Court of India in the case of 'Gian Singh Vs. State of Punjab (2012) 10 Supreme Court Cases 303', observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. As per Hon'ble Supreme Court, 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 of Criminal Procedure. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accordance 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.

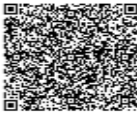


26. Similarly in the case of ‘Sadiq B. Hanchinmani Vs. State of Karnataka’, Criminal Appeal No.4728 of 2025, the Hon’ble Supreme Court of India has ruled that police investigation should be allowed to proceed unless exceptional circumstances warrant intervention. According to Hon’ble Supreme Court of India the High Court should not interfere with the investigation when allegations in FIR disclose cognizable offences.

27. In the case of ‘M/s Balaji Traders Vs. The State of U.P. & Anr. 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 offence.

28. In the case of ‘Muskan Vs. Ishaan Khan (Sataniya)’ Criminal Appeal No.4752 of 2025, 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.

29. Taking into consideration the factual matrix of the instant case, discussed above and the legal proposition applicable to the present case, it is hereby observed that in the present case at this stage there is no scope for



indulgence and interference in the impugned order passed by the learned trial Court, and no ground for quashing of impugned order or the FIR is made out. Hence, it is hereby held that there is no merit in the present petition and the same deserves to be **dismissed**. However, it is clarified that any observation recorded in the present order shall not impact the rights of the petitioner to raise the same issue at any appropriate stage including the stage of framing of charge.

(SURYA PARTAP SINGH)
JUDGE

21.05.2026
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Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No