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

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Date of decision : 12.05.2026

Kuldeep Singh

... Petitioner

Versus

The State of Punjab and others

.. Respondents

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Ajay Pal Singh, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

Mr. Ranjeet K. Jaswal, Advocate for respondents No.3 & 4.

H.S. Grewal, J.(Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 347 dated 19.11.2020, under Sections 420, 447 and 506 of IPC, registered at Police Station Sadar, Dhuri (Annexure P-3) along with all consequential proceedings arising therefrom.

2. The case of the prosecution is that the petitioner, along with co-accused, represented to the complainant that the land proposed to be sold had an existing passage for access. Relying upon such representation, the complainant purchased land measuring 7 bighas 6 biswas and 6 biswasi from the petitioner vide sale deed dated 21.12.2011, whereas another portion was purchased by her relative from a co-accused. It is alleged that although the existence of the passage was recorded in the sale deed, the same was subsequently blocked/ploughed by co-sharers in the year 2018, thereby



denying access to the complainant's land. It is further alleged that despite intervention by the Panchayat and a compromise, the issue remained unresolved and the complainant was also threatened, leading to registration of the present FIR.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and no ingredients of the offences alleged are made out. It is submitted that the petitioner had merely sold his share in the joint land in the year 2011, which was purchased by the complainant with full knowledge of the nature of the property. It is further submitted that if subsequently any co-sharer obstructed the passage, the petitioner cannot be held criminally liable for the same.

4. It is further submitted that the dispute, at best, is civil in nature concerning rights in joint property and passage, for which the complainant has efficacious remedies before the civil/revenue authorities. Learned counsel submits that the complainant admittedly enjoyed the passage till the year 2018 and, therefore, no dishonest intention can be attributed to the petitioner at the inception of the transaction. It is also submitted that the petitioner had sold his share and thereafter left the village, having no concern with the land in question. Continuation of criminal proceedings, therefore, would amount to abuse of the process of law.

5. *Per contra*, learned State counsel, while relying upon the short reply filed by way of affidavit of Mr. Parminder Singh, PPS, Deputy Superintendent of Police, Sub Division Dhuri, District Sangrur, submits that after completion of investigation, challan has already been presented against the petitioner.



6. Learned counsel appearing for respondents No.3 and 4 submits that the existence of the passage was specifically reflected in the sale deed and the petitioner had represented the same at the time of sale. It is also submitted that the petitioner cannot now evade from the responsibility by shifting the blame upon co-sharers.

7. I have heard learned counsel for the parties and have carefully gone through the material available on record.

8. A perusal of the record reveals that the sale transaction in question took place in the year 2011, whereas the dispute regarding obstruction of passage arose in the year 2018. The complainant admittedly enjoyed access through the said passage for several years. This circumstance assumes significance while examining whether there was any dishonest intention on the part of the petitioner at the inception of the transaction, which is a necessary ingredient for the offence of cheating.

9. It is also noticeable that the dispute arises out of use and enjoyment of passage in joint property, particularly on account of alleged acts of co-sharers. The petitioner had sold only his share in the joint land and was not stated to have retained control over the subsequent actions of co-sharers. It is well settled that criminal proceedings cannot be permitted to be used as a tool for settling disputes which are essentially civil in nature. Reference may be made to the judgment of the Hon'ble Supreme Court in the case of **Anukul Singh Vs. State of Uttar Pradesh and Anr. (Criminal Appeal No. 4250 of 2025 arising out of SLP (Crl.) No. 2682 of 2020]**, wherein it has been held that criminal proceedings should not be used as an instrument of harassment or



for settling civil disputes. The relevant extract thereof is reproduced hereunder:-

“17. This Court has, in a long line of decisions, deprecated the tendency to convert civil disputes into criminal proceedings. In Indian Oil Corporation v. M/s. NEPC India Ltd.¹⁷, it was held that criminal law cannot be used as a tool to settle scores in commercial or contractual matters, and that such misuse amounts to abuse of process. The following paragraphs from the decision are apposite:

“9. The principles, relevant to our purpose are:

(i) A complaint can be quashed where the allegations made in 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 the case alleged against the accused. For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.

(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with malafides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.

(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.

(iv) The complaint is not required to verbatim reproduce the legal ingredients of the offence alleged. If the necessary factual foundation is laid in the complaint, merely on the ground that a few ingredients have not been stated in detail, the proceedings should not be quashed. Quashing of the complaint is warranted only where the complaint is so bereft of even the basic facts which are absolutely necessary for making out the offence.

(v) A given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceedings are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by (2006) 6 SCC 738 itself a ground to quash the criminal proceedings. The test is



whether the allegations in the complaint disclose a criminal offence or not.

10. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable break down of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged.”

18. Similarly, in [Inder Mohan Goswami and another v. State of Uttaranchal](#) and others¹⁸, it was emphasized that criminal prosecution must not be permitted as an instrument of harassment or private vendetta. In [Ganga Dhar Kalita v. State of Assam](#)¹⁹, this Court again reiterated that criminal complaints in respect of property disputes of civil nature, filed solely to harass the accused or to exert pressure in civil litigation, constitute an abuse of process.

19. Most recently, in [Shailesh Kumar Singh @ Shailesh R. Singh v. State of Uttar Pradesh and others](#) ²⁰, this Court disapproved the practice of using criminal proceedings as a substitute for civil remedies, observing that money recovery cannot be enforced through criminal prosecution where the dispute is essentially civil. The Court cautioned High Courts not to direct settlements in AIR 2008 SC 251 (2015) 9 SCC 647 Criminal Appeal No. 2963/2025 decided on 14.07.2025 : 2025 INSC 869 such matters but to apply the settled principles in Bhajan Lal. The following paragraphs are relevant in this context:

“9. What we have been able to understand is that there is an oral agreement between the parties. The Respondent No.4 might have parted with some money in accordance with the oral agreement and it may be that the appellant – herein owes a particular amount to be paid to the Respondent No.4. However, the question is whether prima facie any offence of cheating could be said to have been committed by the appellant.”

10. Moreover, the Hon’ble Supreme Court in the case of ‘**State of Haryana vs. Bhajan Lal**, 1992 Supp (1) SCC 335, laid down categories of cases where inherent powers under Section 482 Cr.P.C. may be exercised to prevent abuse of process and to secure the ends of justice, including cases



where the allegations do not *prima facie* disclose commission of any offence.

The relevant extract thereof is reproduced hereunder:-

“8.1. In the exercise of the extra-ordinary power under [Article 226](#) or the inherent powers under [Section 482](#) of the Code of Criminal Procedure, the following categories of cases are given 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 guide- i7 myriad kinds of cases wherein such power should be exercised:

(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 FIR 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;

(e) where the allegations made in the FIR 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;

(f) 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



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*where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;
(g) 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. ”*

11. In view of the above, this Court is of the considered view that the dispute primarily pertains to civil rights concerning passage/access over joint property. The essential ingredients of criminal offences alleged, particularly dishonest intention from the very inception, are *prima facie* absent and the complainant has alternative remedies available under civil/revenue law.

12. Consequently, the present petition is allowed. FIR No.347 dated 19.11.2020 registered under Sections 420, 447 and 506 IPC at Police Station Sadar, Dhuri, District Sangrur, along with all consequential proceedings arising therefrom, is hereby quashed qua the petitioner.

(H.S.GREWAL)
JUDGE

12.05.2026
Sonia

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