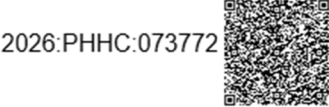


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



1. CRM-M-21633-2018 (O&M)

Sakinder Singh

Versus

State of Punjab and others

...Petitioner

...Respondents

2. CRM-M-23345-2018 (O&M)

Darshan Singh

Versus

State of Punjab and others

...Petitioner

...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	08.05.2026
2	The date when the judgment is pronounced	12.05.2026
3	The date when the judgment is uploaded on the website	12.05.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.S. Paul, Advocate for the petitioners.
(in both cases)

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Jagjit Singh, Advocate for respondents No.2 and 3.

MANISHA BATRA, J.

1. This order shall dispose of the aforementioned two petitions which have been filed by the petitioners seeking quashing of a common FIR

bearing FIR No. 702 dated 30.12.2017, registered under Sections 420 and 120-B of IPC at Police Station Morinda, District Roopnagar along with all the subsequent proceedings having arisen therefrom.

2. Brief facts relevant for the purpose of disposal of these petitions are that the aforementioned FIR was registered on the basis of a complaint jointly submitted by the respondents No. 2 and 3-complainants/Kulwant Singh and Raj Kumar alleging that the present petitioners and Surinder Kaur, wife of petitioner-Darshan Singh, had approached them making offer to sell land owned by Surinder Kaur in village Nathmalpur by representing that the said land was free from all encumbrances and Surinder Kaur was the absolute owner of the same. They had also shown the said land to the respondents No. 2 and 3 and had also told them that the victims could get this land leased out any person till the date of registration of sale deed. On being induced by the petitioners and co-accused, the victims had entered into an agreement to purchase this land for a sum of Rs. 29,50,000/- per acre. A written agreement was executed by Surinder Kaur in favour of the victims and she received a sum of Rs. 20,00,000/- as earnest money. The sale deed was to be executed on 30.12.2015. However, thereafter, Surinder Kaur and her husband petitioner Darshan Singh started avoiding execution of sale deed. They made the victims enter into another agreement to sell on 31.08.2015 and received another sum of Rs. 16,00,000/- from them while making promise to execute sale deed by 24.09.2015. At the time when the sale deed was to be executed, the victims, however, came to know that Surinder Kaur is not the absolute owner of the land in question and a dispute relating to mutation of the same was pending

before the Commissioner, Rupnagar and civil litigation between Surinder Kaur and some other legal heirs of her predecessor, was also pending. By alleging that while fully knowing about these facts, the petitioners and the co-accused concealed the same with intent to cheat the victims, thereby causing wrongful loss of an amount of Rs. 36,00,000/- to them, the victims prayed for registration of FIR.

3. After registration of FIR, investigation proceedings were initiated. The petitioners and the accused Surinder Kaur joined investigation and were arrested. Investigation now stands completed and they are facing trial for commission of the aforementioned offences. They had moved an application for discharge which has been dismissed by the learned trial Court vide order dated 29.07.2025.

4. It is argued by learned counsel for the petitioner-Darshan Singh that he has been falsely implicated in this case. There is delay of about two years in lodging of the FIR, which has not been explained. He was neither a witness to the agreement to sell nor signatory to any document. He is not beneficiary of the agreement to sell. The dispute between the parties is of civil nature which has been given a criminal colour. At the time when the agreement to sell was executed and when the private respondents paid the earnest money, there was no order of stay passed by any Civil Court and accused Surinder Kaur was very much competent to execute agreement to sell qua the land in question which she had inherited from her father on the basis of a Will. As such, no dishonest intention could be attributed to even accused Surinder Kaur, what to talk about having any malafide with him. The

ingredients for commission of offence punishable under Section 420 of IPC are not at all attracted qua him. The FIR has been lodged to abuse the process of law. There are no chances of the FIR culminating into conviction of the petitioner. It is thus argued that the petition deserves to be allowed and the FIR in question is liable to be quashed.

5. While addressing arguments on behalf of petitioner Sikandar Singh, learned counsel for the petitioner has argued that there is delay of more than two years in lodging of the FIR which has not been explained. The petitioner was only an attesting witness to the agreement to sell which was executed between the parties on 24.09.2015. He is not at all beneficiary to the transaction. No money whatsoever has been received by him from the complainants. There was no inducement by him of any kind to the victims. The dispute between the parties is of civil nature which has been given a criminal colour. The proceedings arising out of the FIR have been initiated to abuse the process of law. It is, therefore, argued that the petition deserves to be allowed. To fortify his arguments, learned counsel for the petitioners has relied upon *Inder Mohan Goswami & Anr v. State of Uttaranchal & Ors. 2007 (4) RCR (Criminal) 548, Madan Lal & Anr. v. State of Haryana & Anr. 2012 (3) RCR (Criminal) 643, Sardar Ali Khan v. State of U.P through Principal Secretary Home Department & Anr, 2020 (1) RCR (Criminal) 823 Surjit Singh v. State of Punjab and another, 2018 (4) RCR (Criminal) 157, Sanjay Agarwal v. State of Odisha & Anr. Etc, 2024 (184) SCL 538 Law Finder Doc Id # 2594683 A.M. Mohan v. The State Represented By SHO And Another, 2024 (2) RCR (Criminal) 380.*

6. *Per contra*, learned State counsel, assisted by learned counsel for respondents No. 2 and 3, has argued that there are specific allegations against the petitioners. *Challan* has been presented. However, due to the stay order granted by this Court, charges were could not be framed. Thorough inquiry had been conducted in the matter and the allegations levelled against the petitioners were *prima facie* made out. The veracity of the allegations as levelled against the petitioners can be tested in the trial and no ground for quashing the FIR has been made out. Therefore, it is urged that the petition is liable to be dismissed.

7. This Court has heard the rival submissions.

8. At the outset, it will be profitable to look into the scope and ambit of the Court's power under Section 482 Cr.P.C. (*which is pari materia with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023*) as spelt out in several judicial pronouncements of Hon'ble Supreme Court as well as different High Courts. The well settled proposition of law is that in exercise of inherent powers under Section 482 Cr.P.C., the High Court is not expected to analyze all the facts, which are to be placed before the High Court. The power conferred under this section is very specific. To secure the ends of justice, to prevent the abuse of process of Court or to make any such orders as may be necessary to give effect to any order under the Code, such power can be exercised to prevent abuse of process of Court. The Hon'ble Supreme Court has drawn up some guidelines in some categories of cases by way of illustration to circumscribe the exercise of inherent power under Section 482 of Cr.P.C. to prevent abuse of process of any Court or to secure the ends of the

justice or to give effect to an order of the Court. A celebrated pronouncement on this point is the case cited as *State of Haryana Vs. Bhajan Lal : 1992 SUPP (1) SCC 335*, wherein Hon'ble Supreme Court has discussed different categories of cases wherein the power under Section 482 Cr.P.C. could be exercised either to prevent abuse of process of law or otherwise to secure the ends of justice, while observing that it might not be possible to lay down any precise, clearly defined, sufficiently channelized, inflexible guidelines or rigid formulae and to give an exhaustive list or myriad kind of cases where such powers should be exercised. The following principles have been culled out:-

- “102 (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;
- (2) Where the allegations in the First Information Report and other materials, if any, accompanying the FIR 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;
- (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 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;
- (5) 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;

(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.”

9. The principles of law as laid down by Hon’ble Supreme Court in ***Bhajan Lal***’s case (supra) have been followed in a catena of judgments. In ***Paramjeet Batra vs. State of Uttarakhand, (2013) 11 SCC 673***, it was observed by Hon’ble Supreme Court that although the inherent powers of a High Court under Section 482 of the Code should be exercised sparingly and only for the purpose of preventing abuse of process of any Court or otherwise to secure ends of justice, yet, the High Court must not hesitate in quashing such criminal proceedings, where essential ingredients of the offence are not made out. In ***Mahendra K.C. vs. State of Karnataka, (2022) 2 SCC 129: (2022) 1 SCC (Cri) 401***, Hon’ble Supreme Court observed that the test to be applied is whether the allegations in the complaint, as they stand, without adding or detracting from the complaint, prima facie establish the ingredients of the offence alleged. At this stage, the High Court cannot test the veracity of

the allegations, nor, for that matter, can it proceed in the manner that a judge conducting a trial would, based on the evidence collected during the course of the trial. In *Priyanka Jaiswal vs. State of Jharkhand, 2024 SCC Online SC 685*, Hon'ble Supreme Court observed that the Court exercising extraordinary jurisdiction under Section 482 of Cr.P.C. cannot conduct a mini trial or enter into appreciation of evidence of a particular case. The following observations were made:

“13. We say so for reasons more than one. This Court in catena of Judgments has consistently held that at the time of examining the prayer for quashing of the criminal proceedings, the court exercising extra-ordinary jurisdiction can neither undertake to conduct a mini trial nor enter into appreciation of evidence of a particular case. The correctness or otherwise of the allegations made in the complaint cannot be examined on the touchstone of the probable defence that the accused may raise to stave off the prosecution and any such misadventure by the Courts resulting in proceedings being quashed would be set aside. This Court in the case of Akhil Sharda¹ held to the following effect:

“28. Having gone through the impugned judgment and order passed by the High Court by which the High Court has set aside the criminal proceedings in exercise of powers under Section 482 Cr.P.C., it appears that the High Court has virtually conducted a mini trial, which as such is not permissible at this stage and while deciding the application under Section 482 Cr.P.C. As observed and

held by this Court in a catena of decisions no mini trial can be conducted by the High Court in exercise of powers under Section 482 Cr.P.C. jurisdiction and at the stage of deciding the application under Section 482 Cr.P.C., the High Court cannot get into appreciation of evidence of the particular case being considered.”

10. Similar view was taken in ***Minakshi Yadav vs. State of Uttar Pradesh, 2024 SCC Online 643***, wherein Hon’ble Supreme Court observed that the Court would not be justified in embarking upon an inquiry as to the reliability and genuineness or otherwise of the allegations made in the FIR or the complaint at the stage of quashing of the proceedings under Section 482 of Cr.P.C.

11. Reference can further be made to ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303***, wherein Hon’ble Supreme Court observed that the power of the High Court in quashing a criminal complaint or an FIR, 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 accordance with the guidelines engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.

12. In ***Neeharika Infrastructure vs. State of Maharashtra : 2021 SCC OnLine SC 315***, the Apex Court observed that the Courts ought to be cautious in exercising powers under Section 482 of Cr.P.C. They do have

power to quash. The test is whether or not the allegations in the FIR disclose the commission of a cognizable offence? The merits of the allegations are not to be entered into nor the power of the investigating agency to investigate into allegations involving the commission of a cognizable offence is to be trenched upon.

13. Similar position of law was reiterated by Hon'ble Supreme Court in *Ajay Malik vs. State of Uttarakhand, 2025 SCC OnLine SC 185*, wherein it was observed as follows:

“8. It is well established that a High Court, in exercising its extraordinary powers under Section 482 of the CrPC, may issue orders to prevent the abuse of court processes or to secure the ends of justice. These inherent powers are neither controlled nor limited by any other statutory provision. However, given the broad and profound nature of this authority, the High Court must exercise it sparingly. The conditions for invoking such powers are embedded within Section 482 of the CrPC itself, allowing the High Court to act only in cases of clear abuse of process or where intervention is essential to uphold the ends of justice.

9. It is in this backdrop that this Court, over the course of several decades, has laid down the principles and guidelines that High Courts must follow before quashing criminal proceedings at the threshold, thereby pre-empting the Prosecution from building its case before the Trial Court. The grounds for quashing, inter alia, contemplate the following situations : (i) the criminal complaint has been filed with mala fides; (ii) the FIR represents an abuse of the legal process; (iii) no prima facie offence is made out; (iv) the dispute is civil in nature; (v.) the complaint

contains vague and omnibus allegations; and (vi) the parties are willing to settle and compound the dispute amicably (*State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335*).”

14. Now coming to the present case. The petitioners have been booked for commission of offences punishable under Section 420 read with Section 120-B of IPC on the allegations that they, in connivance with co-accused Surinder Kaur, had cheated complainants of huge amount of money on the pretext of selling them some land. The offence of cheating is defined under Section 415 of IPC and cheating a person, thereby dishonestly inducing him to deliver any property falls within the ambit of Section 420 of IPC. The ingredients required to constitute Offence of cheating under Section 415 of IPC are as follows:

- (i) There should be fraudulent or dishonest inducement of a person by deceiving him;**
- (ii) (a) The person so deceived should be induced to deliver any property to any person, or to consent that any person shall retain any property; or**
- (b) The persons so deceived should be intentionally induced to do or omit to do anything which he would not do or omit if he were not so deceived; and**
- (iii) In cases covered by (ii)(b) the act or omission should be one which causes or is likely to cause damage or harm to the person induced in body, mind, reputation or property.**

15. Further, the ingredients for commission of offence punishable under Section 420 of IPC are as follows:

- (i) Cheating;**

- (ii) Dishonest inducement to deliver property or to make, alter or destroy any valuable security or anything which is sealed or signed or is capable of being converted into valuable security, and**
- (iii) Mens rea of the accused at the time of making the inducement.**

16. It is clear from the above that to constitute the offence of cheating, there must be fraudulent or dishonest inducement of a person with intention to deceive him and such person must have been deceived to deliver any property or to give consent to retain such property or to omit to do anything or to make alter or destroy the whole or any part of valuable security. Simultaneously, *mens rea* of the accused at the time of making such inducement must also to be established.

17. On applying the ratio of law laid down in the afore-discussed authorities, this Court finds that specific allegations have been levelled in the FIR that the petitioners along with co-accused Surinder Kaur had approached the complainants and induced them to enter into the agreement to purchase the land in question by representing that the same was free from all encumbrances and that Surinder Kaur was absolute owner thereof. It has further come on record that despite pendency of dispute regarding mutation and civil litigation qua the property, the complainants were allegedly kept in dark and substantial amount of Rs.36,00,000/- was obtained from them. The allegations contained in the FIR, if taken at their face value, prima facie disclose the ingredients of offences punishable under Sections 420 and 120-B IPC. At this stage, this Court cannot embark upon appreciation of evidence or

adjudicate upon the defence sought to be raised by the petitioners that Surinder Kaur had valid title on the basis of a Will or that there was no dishonest intention on their part. Such disputed questions are matters of trial and cannot be examined in proceedings under Section 482 Cr.P.C./Section 528 BNSS. The contention regarding delay in lodging of the FIR or the plea that the dispute is purely civil in nature are also matters which would require appreciation of evidence and cannot by themselves be made basis for quashing where the allegations prima facie disclose commission of cognizable offences involving deception and dishonest inducement.

18. So far as petitioner-Darshan Singh is concerned, though it has been argued that he was neither signatory nor beneficiary to the agreement to sell, yet the FIR specifically attributes active role to him in approaching the complainants along with co-accused Surinder Kaur, inducing them to enter into the transaction and subsequently avoiding execution of the sale deed. The allegations further indicate that he was aware about the pending dispute relating to the property and yet allegedly concealed the same from the complainants. Whether he had actually participated in the conspiracy or possessed the requisite *mens rea* are questions which can only be determined after evidence is led before the trial Court. At this stage, the material collected during investigation cannot be discarded by conducting a mini trial while exercising inherent jurisdiction.

19. As regards petitioner-Sikandar Singh, the contention raised is that he was merely an attesting witness to the agreement to sell and had not received any amount from the complainants. However, merely because a

person is described as an attesting witness would not *ipso facto* absolve him from criminal liability where there are specific allegations of dishonest intention on his part since the very inception. A perusal of the contents of the FIR would show that it was petitioner Sakinder Singh, who along with petitioner Darshan Singh had approached the victims and had represented that wife of Darshan Singh was the absolute owner of the land in dispute and she wanted to sell the same. There is specific allegations that all the three accused kept the victims under an impression that the land in dispute was free from all encumbrances. Hence, it cannot be said that petitioner Sakinder Singh was simpliciter an attesting witness to the aforementioned agreement to sell. Reference in this regard can be made to the authority cited as Mohammad Sadeek @ Sadiq Khan v. State of Punjab, CRR-389-2022, decided on 09.03.2022, wherein it has been held by this Court that in a case involving agreement to sell and subsequent fraudulent sale deed execution, dishonest intention from the inception and active participation by an accused as attesting witness are sufficient to establish culpability for cheating. The role attributed to petitioner Sakinder Singh and the extent of his involvement are matters to be tested during trial. In the present case, the allegations are not confined merely to execution of documents but extend to active inducement and concealment of material facts relating to title of the property. Therefore, at this stage, this Court is unable to conclude that no prima facie case is made out against petitioner-Sikandar Singh.

20. The judgments relied upon by learned counsel for the petitioners are distinguishable on facts and do not advance the case of the petitioners in

view of the specific allegations levelled in the FIR and the material collected during investigation. It is settled proposition of law that where the allegations prima facie disclose commission of cognizable offences, the proceedings ought not to be scuttled at the threshold by exercising inherent jurisdiction. Consequently, this Court does not find the present case to be falling within any of the parameters laid down in *Bhajan Lal's case (supra)* warranting interference under Section 482 Cr.P.C./Section 528 BNSS. Both the petitions being devoid of merit are accordingly dismissed. Any observation made hereinabove shall not be construed as expression on merits of the case and shall have no bearing upon the trial proceedings.

21. Let a photocopy of this order be placed on the file of the connected case.

(MANISHA BATRA)
JUDGE

12.05.2026
Waseem R. Ansari

<i>Whether speaking/ reasoned</i>	:	<i>Yes / No</i>
<i>Whether reportable</i>	:	<i>Yes / No</i>