

CWP-20109-2022 (O & M)

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2025:PHHC:159536



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(275) CWP-20109-2022 (O & M)
Reserved on:11.11.2025
Date of Pronouncement: 18.11.2025
Uploaded on: 18.11.2025

Ranadeep Ghosal Petitioner

V/s

State of Haryana and ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. H.S. Rajput, Advocate, for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. Anil Rathee, Advocate, for respondent No.6.

Mr. Vipin Kumar, Advocate, for respondent No.7.

Mr. Vishal Garg Narwana, Advocate,
and Ms. Chetna Rao, Advocate and
Ms. Aashima Jindal, Advocate, for respondent No.15.

Mr. Harsh Manocha, Advocate, for applicant-respondent No.16.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C. is for issuance of a writ in the nature of Certiorari for quashing of (1) FIR No.392 dated 24.03.2019 under Sections 34, 406, 420 of Indian Penal Code, registered at Police Station Shivaji Nagar, District Gurugram (Annexure P-2), (ii) FIR No.300 dated 25.05.2019 under Sections 406, 420 of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-3), (iii) FIR No.429

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dated 20.05.2019 under Sections 420, 406 of Indian Penal Code, registered at Police Station City Panipat, District Panipat (Annexure P-4), (iv) FIR No.610 dated 30.09.2019 under Sections 406, 420, 467, 468, 471, 120B of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-5), (v) FIR No.16 dated 10.01.2020 under Sections 420, 467, 468, 471, 506 of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-6), (vi) FIR No.132 dated 24.03.2020 under Sections 406, 420, 467, 468, 471, 120-B of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-7), (vii) FIR No.2 dated 16.01.2020 under Sections 420 406 of Indian Penal Code, registered at Police Station Mulepur, Distt. Fatehgarh Sahib (Annexure P-8), (viii) FIR No.188 dated 23.05.2020, under Sections 120-B, 406, 420 of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-9), (ix) FIR No.198 dated 03.06.2020 under Sections 120-B, 406, 420 of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-10), (x) FIR No.239 dated 08.07.2020 under Sections 406. 420, 506 of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-11), (xi) FIR No.63 dated 07.02.2021, under Sections 420 of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-12) and (xii) FIR No.219 dated 26.11.2020, under Sections 420, 120-B of Indian Penal Code, registered at Police Station Sector 36, Chandigarh (Annexure P-13) and all subsequent proceedings arising therefrom.

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2. The instant petition has been filed seeking quashing of the captioned FIRs and the gist of the allegations levelled in the said FIRs are as under:-

(i) FIR No.610 dated 30.09.2019 under Sections 406, 420, 467, 468, 471, 120B of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-5).

Complainant:- Rohit Kalluri son of Thirupathi Reddy Kalluri

As per the allegations, Ashima Malhotra member of Uniglobal Services reached out to the complainant on the pretext of sending him to Germany for higher studies. The petitioner informed the complainant that their consultancy Uniglobal Services is a Sub-Branch of of UNIASSIST, Germany. The petitioner repeatedly asked for the deposit of money. The complainant went to the Visa office and withdrew his application. He received an E-mail from 'Andasprachschule' that the admission letter and accommodation receipt given by the accused are all false and none of them have been issued by them.

The other accused named in the FIR are Ashima Malhotra, Prateek Nepalia, Anant Kumar and Kaushik Bose. The firms in question are Uniglobal Services Career Pvt. Ltd. and UNIASSIST EDUTECH Pvt. Ltd. The victims (including the complainant) were duped of an amount of Rs.39,48,902/-.

(ii) FIR No.392 dated 24.03.2019 under Sections 34, 406, 420 of Indian Penal Code, registered at Police Station Shivaji Nagar, District Gurugram (Annexure P-2).

Complainant:-Ajay Sharma son of Satish Chand Sharma

As per the allegations levelled, the petitioner assured the complainant that he was going to Germany to collect the Offer

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Letter of the complainant. He took money from the complainant to book a room in Germany. However, no such Offer letter was ever issued despite repeated requests.

The other accused named in the FIR are Ashima Malhotra, Kaushik Bose and Prateek Nepalia. The firm in question is Uniglobal Services Career Pvt. Ltd. Though, the victim(s) (including complainant) were duped of an amount of Rs.4,49,000/-but an amount of Rs.3,50,000/- has been returned. Thus, the remaining amount due is Rs.99,000/-.

(iii) FIR No.429 dated 20.05.2019 under Sections 420, 406 of Indian Penal Code, registered at Police Station City Panipat, District Panipat (Annexure P-4).

Complainant:-Sumit son of Sushil Kumar

As per the allegations levelled in the FIR, the complainant came in contact with Anupam Taak who worked in UNIASSIST EDUTECH Pvt. Ltd. He told them that the main office is in Berlin, Germany. The A2 Level German Classes were to begin but despite taking money from the complainant, no such classes were started. The complainant went to DAAD (stands for German Academic Exchange Service {in German: Deutscher Akademischer Austauschdienst}). India Office and it was found that UNIASSIST, an organisation of the German Government does not have any branch in India and he came to know that Directors of UNIASSIST have forged the admission letters and money receipts issued by 'Andasprachschule' to various students.

The other accused named in the FIR are Ashima Malhotra, Sandipan Kaviraj, Kaushik Bose and Prateek Nepalia. The firm in question is UNIASSIST EDUTECH Pvt.

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Ltd. The victim(s) (including complainant) were duped of an amount of Rs.2,80,000/.

(iv) FIR No.300 dated 25.05.2019 under Sections 406, 420 of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-3).

Complainant:- Amarnath Khudanian

As per the allegations levelled in the FIR, the complainant wanted to get his daughter Kritika admitted in the Forensic Sciences Course for which, he got in touch with UNIASSIST. He met Madhumita and Ashima Malhotra. He was told that the petitioner was the owner of the Firm. The petitioner showed an Offer Letter of University 'Padalbron'. The daughter of the complainant, on enquiry found that no such course of Forensic Sciences was available in the aforesaid University in Germany as promised.

The other accused named in the FIR are Ashima Malhotra, Madhumita, Sandipan Kaviraj, Prateek Nepalia and Kaushik Bose. The firm in question is UNIASSIST EDUTECH Pvt. Ltd. Though, the victim(s) (including complainant) were duped of an amount of Rs.4,20,000/-but an amount of Rs.2,00,000/- has been returned. Thus, the remaining amount due is Rs.2,20,000/-.

(v) FIR No.219 dated 26.11.2020, under Sections 420, 120-B of Indian Penal Code, registered at Police Station Sector 36, Chandigarh (Annexure P-13).

Complainant:- Usha Rani wife of Kamal Lal

As per the allegations levelled in the FIR, the accused assured that they were legally authorized by the German Government. The accused including the petitioner handed over a blank agreement paper and asked the complainant to sign the

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same. When asked, they did not provide the agreement and the admission letter. Money was paid for availing rented accommodation in Germany. The children of the complainant, namely, Niharika and Kritika were not sent to Germany and were not provided accommodation there despite making payments on their behalf.

The other accused named in the FIR is Ashima Malhotra. The victim(s) (including complainant) were duped of an amount of Rs.24,60,000/-.

(vi) FIR No.16 dated 10.01.2020 under Sections 420, 467, 468, 471, 506 of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-6).

Complainant:-Iteesha Kohli

As per the allegations, Ashima Malhotra and the complainant met the petitioner who assured her that her money would be returned within 02 days. An Arbitrator was appointed and the parties were to appear before the Faridabad Court. However, the petitioner did not appear.

The other accused named in the FIR are Ashima Malhotra and Prateek Nepalia. The firm in question is UNIASSIST EDUTECH Pvt. Ltd. The victim(s) (including complainant) were duped of an amount of Rs.16,00,600/- but an amount of Rs.1,00,000/- was returned to the complainant-Etisha Kohli only.

(vii) FIR No.2 dated 16.01.2020 under Sections 420 406 of Indian Penal Code, registered at Police Station Mulepur, Distt. Fatehgarh Sahib (Annexure P-8).

Complainant:-Lovepreet Kaur daughter of Kuldip Singh

As per the allegations levelled in the FIR, accused Ashima Malhotra informed the complainant that her Offer

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Letter had been received. The company did not start the A2 Level Course. The complainant was informed that the classes would be taking place in Germany. The entire money was taken for the same but no classes were started nor was she sent to Germany.

The other accused named in the FIR are Ashima Malhotra, Kaushik Bose and Jahnvi Malhotra. The victim(s) (including complainant) were duped of an amount of Rs.5,97,600/-.

(viii) FIR No.132 dated 24.03.2020 under Sections 406, 420, 467, 468, 471, 120-B of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-7).

Complainant:- Rahul Sinha son of Ashok Kumar Sinha

As per the allegations, the petitioner alongwith the co-accused assured the complainant that the admission letter from the German University would be issued by the end of May, 2019. However, they did not receive any admission letter for the MBA Course in English for the petitioner. The petitioner told the complainant that he had to complete the A1 and A2 Level German Course in order to secure admission and then, would be provided a Language Visa instead of Student Visa. This was in variance with the original agreement entered into between the parties.

The other accused named in the FIR are Ashima Malhotra and Shailaj Srivastav. The firms in question are UNIFACT EDUTECH Pvt. Ltd. and UNIASSIST EDUTECH Pvt. Ltd. The victim(s) (including complainant) were duped of a total amount of Rs.18,91,000/-.

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(ix) FIR No.188 dated 23.05.2020, under Sections 120-B, 406, 420 of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-9).

Complainant:- Ravindra Kumar son of Rohtash

As per the allegations, the petitioner stated that if the complainant failed to get the admission in the University of Germany, then, they would refund all the money. The original sponsorship letter was not issued. Therefore, the Embassy cancelled the Visa of the complainant. M/s UNIASSIST EDUTECH Pvt. Ltd. was found to be a fake entity and a civil suit was pending against them.

The other accused named in the FIR are Ashima Malhotra, Sandipan Kaviraj and Subrtosen, Shailaj Srivastav and Pooja Bhauria. The firm in question is UNIASSIST EDUTECH Pvt. Ltd. The victim(s) (including complainant) were duped of a total amount of Rs.8,78,000/-.

(x) FIR No.198 dated 03.06.2020 under Sections 120-B, 406, 420 of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-10).

Complainant:- Sanidul Islam Khan son of Hasen Ali Khan

The complainant, in order to inform the accused including the petitioner that his German Language Course would be completed by March, 2020, called many a times but the phones of the accused persons were switched off and their office was locked too.

The other accused named in the FIR are Ashima Malhotra and Sandipan Kaviraj. The firm in question is UNIASSIST EDUTECH Pvt. Ltd. The victim(s) (including complainant) were duped of a total amount of Rs.25,42,826/-.

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(xi) FIR No.63 dated 07.02.2021, under Sections 420 of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-12).

Complainant:- Vivek Sharma

As per the FIR, the allegations are that the complainant came across the accused persons' Consultancy, namely, UNIASSIST EDUTECH. Pvt. Ltd. (later changed to UNIFACT Pvt. Ltd.). The accused persons in order to make wrongful gains, intentionally delayed the complainant's German Classes. Therefore, the duration to complete the A1 and A2 Level Courses got reduced to one month. Additionally, accused persons assured the complainant that in order to get admitted in a prestigious University, he just had to clear the A1 and A2 Levels of German Language and after that the University would bear the expenses of the entire Language Course and his Engineering Course would also commence alongwith the Language Course. But the Visa allotted to the complainant was only for the Language category and he was not allowed to pursue any other Course.

The firm in question is UNIASSIST EDUTECH Pvt. Ltd. The victim(s) (including complainant) were duped of a total sum of Rs.14,86,200/-.

(xii) FIR No.239 dated 08.07.2020 under Sections 406, 420, 506 of Indian Penal Code, registered at Police Station DLF, District Gurugram (Annexure P-11).

Complainant:-Sumeet Parmar son of Raj Karan

The complainant got in touch with one Vishakha who got the complainant to deposit Rs.3,79,426/- in the account of Uniglobal Services Account on the pretext of studying German and admission in College in Germany. She was sent to the

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Unique Coaching Institute at Dehradun for the A1 and A2 Classes but the students there told her that the petitioner and others were cheating the students on the pretext of sending them to Germany. The money paid into the company account was not paid to the Unique Coaching Institute as assured. The complainant, pursuant to the aforesaid payment, tried to reach out to the accused persons including the petitioner numerous times to deposit the coaching fee but they refused.

The other accused named in the FIR are Vishakha, Ashima Malhotra and Sanveer Singh. The firms in question are UNIASSIST EDUTECH Pvt. Ltd. and UNIFACT EDUTECH Pvt. Ltd. The victim(s) (including complainant) were duped of a total sum of Rs.16,92,243/-.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in these cases. He is not a Director of the companies referred to in the FIRs but was merely an employee on a salary. Various students/victims had entered into respective agreements with the company to study in Germany. If either side did not fulfill their respective contractual obligations, then, no offence is made out and the dispute, if any, is primarily of a civil nature. The victims have also approached the Consumer Dispute Redressal Commission which cases are pending adjudication. The proceedings emanating out of an FIR No.17 dated 10.01.2022 under Sections 406, 420, 467, 468, 471, 120-B IPC, Police Station DLF, Sector 29, Gurugram where the allegations are of a similar nature has been stayed qua the present petitioner. He, therefore, prays that

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the impugned FIRs and consequential proceedings arising therefrom be quashed.

4. The learned counsel for the respondent/victims contend that the designation of the petitioner or his official position in the respective companies is not important. The allegations levelled against the petitioner and the role played by him are specific in each case. In fact, a German Company by the name of Uni-assist e.V. had initiated Arbitration proceedings against the petitioner. During the course of the said Arbitration proceedings, it was found that the petitioner himself had registered various domain names akin to the German based company. He stated that he had an affiliation with UNIASSIST EDUTECH Pvt. Ltd. which goes to show that it was the petitioner who was the main accused and had set-up these firms with similar sounding names as the German based entity with an intention to allure victims with a promise to send them to Germany. In fact, he held out to the victims that his various companies were subsidiaries of a German company, namely, Uni-assist e.V. They contend that the Trial against the co-accused in most of the cases are nearing completion. As the petitioner was absconding, qua him, the respective reports under Section 173(2) (Section 193(2) BNSS) have been submitted and the case is ripe for Trial. They, therefore, pray that the present petition is liable to be dismissed.

5. The learned counsel appearing for the newly added respondent No.16-Ashima Malhotra a co-accused contends that the petitioner is the main accused. He was the one issuing directions to his other employees as

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is evident from the E-mails (Annexure R-16/B) sent by him. He contends that the bank accounts of the companies were handled by the petitioner. Rent cheques in respect of the premises from which the business was being conducted were issued by the petitioner to the landlord and were dishonoured. On being dishonoured, proceedings under Section 138 of the Negotiable Instruments Act are pending against the petitioner. He, therefore, prays that the present petition is liable to be dismissed.

6. I have heard the learned counsel for the parties.

7. A perusal of the aforementioned FIRs would reveal that whether the petitioner is identified as a Director or not, there is absolutely no doubt whatsoever that he is the person running the affairs of the various companies which he set-up on the pretext of sending persons to Germany for higher education. He has been duly named in the FIR and specific roles have been assigned to him. He was issuing directions to the other employees as per E-mails (Annexure R-16/B). The bank accounts of the company were being handled by him and the rent for the premises was being paid through cheques issued by him. The designation of an individual is not material but the allegations levelled against him and the role played by him in the affairs of a company are relevant. Therefore, the petitioner cannot avoid his liability by calling himself an employee or pleading that he was not a Director of the company.

8. A perusal of the Arbitration Award dated 06.08.2018 (Annexure R-7/1) would reveal that all the domain names of the accused companies

have been registered in the name of the petitioner and the relevant extract of the Award is as under:-

BEFORE THE SOLE ARBITRATOR UNDER .IN DISPUTE RESOLUTION POLICY
(Appointed by .IN Registry-National Internet Exchange of India)

ARBITRATION AWARD
Disputed Domain Name:<UNI-ASSIST.In>

IN THE MATTER OF:
Uni assist e.V
Ganeststr: 5, 10829
Berlin, Germany

... Complainant

....versus....

Ranadeep Ghosal
M-7, Ground Floor,
Old DLF Colony,
Sector 14, Gurgaon,
Haryana, India

... Respondent

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2. The Domain Name, Registrar and Registrant

The present arbitration proceedings pertain to a dispute concerning the registration of domain name <uni-assist.in> with .IN Registry. The Registrant in the present matter is Ranadeep Ghosal, and the Registrar is GoDaddy.com, LLC.

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8. Respondent's Submissions/Contentions vide Renty dated June 28, 2018

The Respondent has contended that the Complaint dated May 23, 2018 has not been filed by a duly authorized representative of the Complainant. That no document evidencing the authorization of the signatory of the Complaint by the Complainant has been filed on the record. That the signatory of the Complaint, therefore, does not have the capacity to file the present Complaint, which is liable to be dismissed on this score alone.

The Respondent has contended further that the present Complaint is liable to be dismissed as the Complainant is in

fact trying to grab the lawful domain name as belonging to the Respondent.

The Respondent has submitted in this regard that it is the registered owner of several domain names, all comprising primarily of the name/mark "uni-assist", including <uni-assist.in>, which is the subject matter of the present proceedings. Such domain name registrations in the name of the Respondent include: <uni-assist.online>, <uni-assist.biz>, <uni-assist.info>, <uni-assists.org>, <uni-assist support>, <uni-assit.asia, uni-assit.co> and <uni-ussist.club. That despite knowing this fact, the Complainant is trying to grab only the one domain name (ie. <uni-assist.in) for the reason that the Complainant is aware that an Indian company is doing an honest and fair business in India from the said domain name and in order to keep its monopoly on the world market in this regard is trying to take control of the said domain name so that no Indian can rise. That the Complainant has made no attempt to file complaints against any of the other "uni-assist"-formative domains as registered by the Respondent and listed above. That the said domains have been at the disposal and usage of one M/s Uniassist Edutech Pvt. Ltd., a company incorporated under the Indian Companies Act, having its registered address at Ground Floor, M-7, Old DLF Colony, Sector 14, Gurgaon, Haryana-122001, with whom the Respondent has entered into a Memorandum of Understanding, a copy of which document the Respondent has annexed alongwith the reply. The Respondent has contended that the present Complaint is liable to be dismissed on account of the aforesaid.

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12. Decision

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Based upon the facts and circumstances and further relying on the materials as available on the record, the Arbitrator is of the view that the Complainant has statutory and proprietary rights over the name/mark "uni-assist"/The Complainant has herein been able to prove conclusively that:

- i. The Registrant's domain name is identical and confusingly similar to a nave trade mark or service mark in which the Complainant has rights;
- ii. The Registrant has no rights and legitimate interest in respect of the domain name;
- iii. The Registrant's domain name has been registered or is being used in bad faith.

The Arbitrator therefore allows the prayer of the Complainant and directs the IN Registry to transfer the domain <uni-assist.in to the Complainant.

The Award is accordingly passed and the parties are directed to bear their own costs.

Lucy Rana

Sole Arbitrator

Date: August 06, 2018

Place: New Delhi, India

9. The offences for which the aforementioned cases/FIRs have been registered are *prima facie* made out. It was the petitioner and his co-accused who held out to the victims that the companies referred to in the respective cases were subsidiaries of a German Company by the name of Uni-assist e.V. The petitioner and his co-accused took various amounts on the pretext of sending the victims abroad. However, it transpired that they had no affiliation with any foreign company or colleges. Various fake documents/admission letters/accommodation receipts have been shown to

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different victims and on these pretexts, various amounts have been extracted from the victims. In some cases, the courses for which the victim(s) had paid money were not available in the institution in Germany.

11. In the context of quashing of an FIR, the Hon'ble Supreme Court in ***'Dineshbhai Chandubhai Patel versus State of Gujarat and Ors. (with connected matters) 2018(1) RCR (Criminal) 617'***, has held as under:-

26. The law on the question as to when a registration of the FIR is challenged seeking its quashing by the accused under Article 226 of the Constitution or section 482 of the Code and what are the powers of the High Court and how the High Court should deal with such question is fairly well settled.

27. This Court in State of West Bengal & Ors. v. Swapan Kumar Guha & Ors. (AIR 1982 Supreme Court 949) had the occasion to deal with this issue. Y.V. Chandrachud, the learned Chief Justice speaking for Three Judge Bench laid down the following principle:

"Whether an offence has been disclosed or not must necessarily depend on the facts and circumstances of each particular case. If on a consideration of the relevant materials, the Court is satisfied that an offence is disclosed, the Court will normally not interfere with the investigation into the offence and will generally allow the investigation in the offence to be completed for collecting materials for proving the offence.

The condition precedent to the commencement of investigation under Section 157 of the Code is that the F.I.R. must disclose, prima facie, that a cognizable offence has been committed. It is wrong to suppose that the police have an unfettered discretion to commence investigation under Section 157 of the Code. Their right of inquiry is conditioned by the existence of reason to suspect the commission of a cognizable offence and they cannot, reasonably, have reason so to suspect unless the F.I.R., prima facie, discloses the commission of such offence. If that condition is satisfied, the investigation must go on. The Court has then no power to stop the investigation, for to do so would be to trench upon the lawful power of the police to investigate into cognizable offences."

28. Keeping in view the aforesaid principle of law, which was consistently followed by this Court in later years and on perusing the impugned judgment, we are constrained to observe that the High Court without any justifiable reason devoted 89 pages judgment (see-paper book) to examine the aforesaid question and then came to a conclusion that some part of the FIR in question is bad in law because it does not disclose any cognizable offence against any of the accused persons whereas only a part of the FIR is good which discloses a prima facie case against the accused persons and hence it needs further investigation to that extent in accordance with law.

29. In doing so, the High Court, in our view, virtually decided all the issues arising out of the case like an investigating authority or/and appellate authority decides, by little realizing that it was exercising its inherent jurisdiction under section 482 of the Code at this stage.

30. The High Court, in our view, failed to see the extent of its jurisdiction, which it possess to exercise while examining the legality of any FIR complaining commission of several cognizable offences by accused persons. In order to examine as to whether the factual contents of the FIR disclose any prima facie cognizable offences or not, the High Court cannot act like an investigating agency and nor can exercise the powers like an appellate Court. The question, in our opinion, was required to be examined keeping in view the contents of the FIR and prima facie material, if any, requiring no proof.

31. At this stage, the High Court could not appreciate the evidence nor could draw its own inferences from the contents of the FIR and the material relied on. It was more so when the material relied on was disputed by the Complainants and visa-se-versa. In such a situation, it becomes the job of the investigating authority at such stage to probe and then of the Court to examine the questions once the charge sheet is filed along with such material as to how far and to what extent reliance can be placed on such material.

32. *In our considered opinion, once the Court finds that the FIR does disclose prima facie commission of any cognizable offence, it should stay its hand and allow the investigating machinery to step in to initiate the probe to unearth the crime in accordance with the procedure prescribed in the Code.*

33. *The very fact that the High Court in this case went into the minutest details in relation to every aspect of the case and devoted 89 pages judgment to quash the FIR in part lead us to draw a conclusion that the High Court had exceeded its powers while exercising its inherent jurisdiction under section 482 of the Code. We cannot concur with such approach of the High Court.*

34. *The inherent powers of the High Court, which are obviously not defined being inherent in its very nature, cannot be stretched to any extent and nor can such powers be equated with the appellate powers of the High Court defined in the Code. The parameters laid down by this Court while exercising inherent powers must always be kept in mind else it would lead to committing the jurisdictional error in deciding the case. Such is the case here.*

The Hon'ble Supreme Court in '***Muskan versus Ishaan Khan (Sataniya) and others 2025 INSC 1287***',

22. *On the aspect of the powers of the Courts under Section 482 of the Cr.PC, it is settled that at the stage of quashing, the Court is not required to conduct a mini trial. Thus, the jurisdiction under Section 482 of the Cr.PC with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to proceed against the accused or not. If sufficient material is available, the power under Section 482 should not be exercised.*

23. *This Court in the case of State of Odisha v. Pratima Mohanty and Others, (2022) 16 SCC 703 held that:*

"8.2. It is trite that the power of quashing should be exercised sparingly and with circumspection and in rare cases. As per the settled proposition of law while examining an FIR/complaint quashing of which is sought, the court cannot embark upon any enquiry as to the reliability or genuineness of allegations made in the FIR/complaint. Quashing of a complaint/FIR should be an exception rather than any ordinary rule. Normally the criminal proceedings should not be quashed in exercise of powers under Section 482 CrPC when after a thorough investigation the charge-sheet has been filed. At the stage of discharge and/or considering the application under Section 482 CrPC the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting the mini-trial. As held by this Court the powers under Section 482 CrPC are 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."

24. Further in the case of Central Bureau of Investigation v. Aryan Singh and Others, (2023) 18 SCC 399 this Court held that at the stage of Section 482 of the Cr.PC, the High Court is not required to conduct a mini trial.

"6. From the impugned common judgment and order [Aryan Singh v. CBI, 2022 SCC OnLine P&H 4158] passed by the High Court, it appears that the High Court has dealt with the proceedings before it, as if, the High Court was conducting a mini trial and/or the High Court was considering the applications against the judgment and order passed by the learned trial court on conclusion of trial. As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 CrPC, the Court is not required to conduct the mini trial. The High Court in the common impugned judgment and order has observed that the charges against the accused are not proved. This is not the stage where the prosecution/investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution/investigating agency."

(emphasis supplied)

25. This Court in Neeharika Infrastructure Private Limited (supra) gave following directions to the Courts exercising the power under Section 482 of the Cr.PC:

"Conclusions

33. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or "no coercive steps to be adopted", during the pendency of the quashing petition under Section 482 CrPC and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or "no coercive steps to be adopted" during the investigation or till the final report/charge-sheet is filed under Section 173 CrPC, while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482 CrPC and/or under Article 226 of the Constitution of India, our final conclusions are as under:

33.1

33.2. Courts would not thwart any investigation into the cognizable offences.

33.3. 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.

33.4. 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).

33.5. 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.

33.6

33.7. Quashing of a complaint/FIR should be an exception rather than an ordinary rule.

33.8 to 33.11

33.12. The first information report is not an encyclopedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned

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Magistrate which may be considered by the learned Magistrate in accordance with the known procedure.

33.13 and 33.14

33.15. When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 CrPC, 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."

(emphasis supplied)

26. Further, this Court in the case of *State of Telangana v. Habib Abdullah Jeelani and Others*, (2017) 2 SCC 779 held that:

"13. There can be no dispute over the proposition that inherent power in a matter of quashment of FIR has to be exercised sparingly and with caution and when and only when such exercise is justified by the test specifically laid down in the provision itself. There is no denial of the fact that the power under Section 482 CrPC is very wide but it needs no special emphasis to state that conferment of wide power requires the Court to be more cautious. It casts an onerous and more diligent duty on the Court.

14. In this regard, it would be seemly to reproduce a passage from *Kurukshetra University v. State of Haryana*, (1977) 4 SCC 451: 1977 SCC (Cri) 613] wherein Chandrachud, J. (as his Lordship then was) opined thus : (SCC p. 451, para 2)

"2. It surprises us in the extreme that the High Court thought that in the exercise of its inherent powers under Section 482 of the Code of Criminal Procedure, it could quash a first information report. The police had not even commenced investigation into the complaint filed by the Warden of the University and no proceeding at all was pending in any court in pursuance of the FIR. It ought to be realised that inherent powers do not confer an arbitrary jurisdiction on the High Court to act according to whim or caprice. That statutory power has to be exercised sparingly, with circumspection and in the rarest of rare cases.""

(emphasis supplied)

27. We are of the view that the High Court has erred in law by embarking upon an enquiry with regard to credibility or otherwise of

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the allegations in the complaints and the FIR. Normally, for quashing an FIR, it must be shown that there exists no prime facie case against the accused persons. In the present case, from the conjoint reading of the complaints and the FIR, it can be seen that prime facie allegations of harassment and demand of dowry are made out, despite that the High Court quashed the FIR against the private respondents primarily on the ground that the earlier two complaints that were filed by the appellant did not mention the specific instances that happened on 22.07.2021 and 27.11.2022 and the same were later on mentioned in the FIR only as an afterthought and was a counterblast to the legal notice sent by respondent no.1/husband to the appellant as she was not coming back to her matrimonial home. This approach adopted by the High Court, in our considered opinion, amounts to conducting a mini trial.

11. A perusal of the aforementioned judgments would show that the Hon'ble Supreme Court has held that at the stage of quashing of an FIR, a mini Trial is not to be conducted. The reliability or genuineness of the allegations levelled in the FIR cannot be gone into. Disputed questions of fact or the defence of an accused cannot be looked into. An FIR should be quashed in exceptional circumstances where absolutely no offence is made out. Therefore, the power under Section 482 Cr.P.C. must be exercised sparingly, with caution and in rare cases.

12. It may also be pointed out that in respect of FIR No.429 dated 20.05.2019 under Sections 420, 406 of Indian Penal Code, registered at Police Station City Panipat, District Panipat (Annexure P-4), an earlier petition was filed for quashing of the said FIR which came to be withdrawn vide order dated 11.01.2023 passed in CRM-M-31169-2023.

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13. In view of the aforementioned discussion, I find no merit in the present petition and the same stands dismissed.

14. The pending application(s), if any, shall stand disposed of accordingly.

November 18, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No