



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

**CRM-M No.13539 of 2026
Date of decision: 29.04.2026**

Dharampal @ Dharmpal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Ajay Jain, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. A.G., Haryana
for respondent No.1-State.

Mr. Anurag Jain, Advocate and
Mr. Aamol Singh, Advocate
for respondent No.2-complainant.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 Cr.P.C.) for quashing of FIR No.582 dated 18.08.2025 (Annexure P-1), registered under Section 82 of the Registration Act, 1908 and Sections 176, 177, 420, 467, 468 and 471 IPC [corresponding to Sections 211, 212, 318(4), 338, 336(3), 340(2) BNS, 2023] at Police Station Hansi City, District Hansi, along with all consequential proceedings arising therefrom.

2. Briefly stated, the complainant filed a complaint against the accused persons alleging commission of offences under Sections 420, 467, 468, 471, 506, 120-B and 34 IPC, and prayed for registration of a criminal



case against them by invoking the provisions of Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 before learned Magistrate. It was alleged that the accused, in connivance with each other, had cheated the complainant's wife in a land transaction by executing sale deeds in excess of their ownership despite being aware that a portion of the land had already been acquired by the National Highways Authority of India. Upon presentation of the complaint, learned Magistrate considered the submissions of the complainant and the material placed on record, including the affidavit filed in support of the application. After taking note of the allegations and the legal position, learned Magistrate directed the police authorities to conduct investigation into the matter in exercise of powers under Section 175(3) BNSS (corresponding to Section 156(3) Cr.P.C.). Pursuant to the said directions, the FIR in question came to be registered. Learned Magistrate observed that at the pre-cognizance stage, where allegations disclose commission of cognizable offences, it is appropriate to direct investigation by the police rather than proceeding with the complaint as a private complaint case. Complainant alleged that his wife, Smt. Ritu Jain, had purchased land measuring about 14 Kanals 8 Marlas situated in Village Garhi, Tehsil Hansi, District Hisar, through duly executed and registered sale deeds dated 15.07.2022 from accused No.1 Dharampal, and mutations were also sanctioned in their favour. It is alleged that prior to the purchase, the complainant's wife had verified the revenue record and ownership, and the accused had assured that he was the absolute owner in possession of the land. However, subsequently, when the complainant got the land demarcated, it was revealed that a portion



measuring about 1 Kanal 12 Marlas had already been acquired by the National Highway Authority and compensation for the same had been received by accused No.1 prior to the sale. It is further alleged that despite having knowledge of this fact and despite not being the owner of the said portion, accused No.1 dishonestly sold the land in excess of his ownership, in connivance with other accused persons, thereby committing cheating, forgery and fraud, causing wrongful loss to the complainant and his wife. It has also been alleged that when the complainant confronted accused No.1, he threatened him and admitted to having indulged in such illegal acts.

3. It is contended on behalf of the petitioner that the impugned FIR and the proceedings arising therefrom are nothing but an abuse of the process of law, as the allegations, even if taken at their face value, disclose at best a civil dispute relating to title, extent, identity and demarcation of land rather than commission of any cognizable offence. It is submitted that the entire transaction was carried out through duly executed and registered sale deeds, followed by sanction of mutations in the revenue record, and there is no allegation of fabrication of documents, impersonation or forgery in execution of the sale deeds. It is further contended that the complainant himself admits that prior to the purchase, proper verification of revenue record and local inquiry was conducted, thereby negating any allegation of dishonest or fraudulent inducement at the inception, which is a sine qua non for the offence of cheating. It is further argued that the alleged shortage of land came to light only at a later stage during demarcation and such dispute, by its very nature, requires adjudication by civil/revenue authorities and cannot be given a criminal colour. The petitioner submits that the ingredients



of offences under Sections 420, 467, 468 and 471 IPC are wholly absent, as there is no material to show creation of any false document or use of forged documents. It is also contended that even the provisions of Sections 176 and 177 IPC and Section 82 of the Registration Act have been invoked mechanically without any specific allegation of furnishing false information in a statutory sense. It is further submitted that the complaint itself reflects inconsistencies and indicates an ongoing civil dispute, and that prior complaints made by the complainant were treated by the police as civil in nature. The delay in initiating criminal proceedings, despite the transaction having taken place in the year 2022, also indicates that the present FIR is an afterthought intended to pressurize the petitioner. It is also argued that learned Magistrate, while passing the order under Section 175(3) BNSS, has pre-judged the issue by recording conclusive findings against the petitioner without proper application of mind. Lastly, it is contended that even if the allegations are accepted in entirety, they at best give rise to civil consequences such as recovery of consideration, damages or correction of revenue entries, and do not constitute any criminal offence. Therefore, continuation of the criminal proceedings would amount to misuse of the criminal process, and the FIR deserves to be quashed. Learned counsel for the petitioner has placed reliance upon the judgment of the Hon'ble Supreme Court in *Anukul Singh vs. State of Uttar Pradesh, 2025(4) R.C.R.(Criminal) 408*, wherein it has been held that criminal proceedings initiated to settle civil disputes or to exert pressure are liable to be quashed in exercise of inherent powers under Section 482 Cr.P.C.

4. Learned State counsel appearing for respondent No. 1, as well



as learned counsel for respondent No. 2—complainant, who were present at the stage of issuance of notice of motion, opposed the petition and submitted that the FIR has been rightly registered against the petitioner and the investigation is still at a nascent stage. It is argued that the petitioner, being a government official, was fully aware that a portion of the land had already been acquired by the Government in the year 2011 and that compensation in respect thereof had also been received by him. Despite having such knowledge, the petitioner allegedly sold the land, including the portion already acquired, to the complainant, thereby *prima-facie* committing offences of cheating and fraud. It is further contended that the material collected during investigation discloses the involvement of the petitioner and, therefore, no ground is made out for quashing of the FIR at this stage.

5. I have heard learned counsel for the parties and have perused the record.

6. This Court finds that the allegations in the FIR, when read as a whole, *prima-facie* disclose commission of cognizable offences. It is not in dispute that a portion of the land in question had been acquired by the Government in the year 2011 and compensation in respect thereof had been received. The allegation that despite such acquisition and receipt of compensation, the petitioner proceeded to execute sale deeds in favour of the complainant including the said acquired portion, raises serious questions which cannot be adjudicated in proceedings under Section 528 BNSS (corresponding to Section 482 Cr.P.C.). At this stage, the Court is only required to examine whether the allegations disclose a *prima-facie* case and not to embark upon a detailed appreciation of evidence or



adjudication of disputed questions of fact.

7. The scope of interference in a petition for quashing of FIR is well settled. The inherent jurisdiction of this Court is to be exercised sparingly and with great caution, and only where the allegations do not disclose any offence or where continuation of proceedings would amount to abuse of the process of law. Where the allegations *prima-facie* constitute an offence and require investigation, the Court would be loath to interdict the same. The defence sought to be raised by the petitioner, including the plea of civil dispute or reliance upon revenue record, are matters which require evidence and cannot be adjudicated at this stage.

8. The judgment relied upon by the petitioner in *Anukul Singh vs. State of Uttar Pradesh and another (supra)* does not advance the case of the petitioner in the facts of the present case, as the said judgment pertains to circumstances where the dispute was found to be purely civil in nature and the allegations did not disclose the essential ingredients of criminal offences. In the present case, however, the allegations specifically disclose that despite prior acquisition of a portion of land and receipt of compensation, the petitioner proceeded to sell the same land to the complainant, which *prima-facie* indicates dishonest intention and requires thorough investigation.

9. This Court also finds support from the judgment of this Court in *Vijay Kumar vs. State of Punjab and another* (CRM-M No.38992 of 2023, decided on 19.01.2024), wherein it has been held that where the FIR and the material collected during investigation disclose *prima-facie* evidence of cheating, fraudulent intention or conspiracy, the disputed



questions of fact are required to be adjudicated during trial and the High Court, in exercise of its powers under Section 482 Cr.P.C., cannot embark upon a detailed appreciation of evidence or act as an appellate authority. It has further been held that in cases involving commercial or property transactions, the existence of fraudulent or dishonest intention at the inception is a matter of evidence and cannot be conclusively determined at the stage of quashing.

10. Applying the aforesaid principles to the present case, this Court is of the considered view that the allegations regarding sale of land already acquired by the Government, despite receipt of compensation, raise serious factual issues which *prima-facie* attract the ingredients of the offences alleged and cannot be brushed aside at this stage. The investigation is still underway and sufficient material exists to proceed further. The scope of interference under Section 528 BNSS (corresponding to Section 482 Cr.P.C.) is limited, particularly when *prima-facie* evidence is available on record.

11. In view of the above discussion, this Court finds no merit in the present petition and the same is hereby dismissed.

12. Pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

29.04.2026

nctu

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No