



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

CRM-M-15650-2022

Reserved on:-20.05.2026

Pronounced on:-25.05.2026

Uploaded on:- 26.05.2026

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

RAJEEV JHA

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Ankur Malik, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. A.G. Haryana.

Mr. Tanmoy Gupta, Advocate
for respondent No.2/Complainant.

MANDEEP PANNU, J.

1. Petition under Section 482 Cr.P.C. for quashing of FIR No.205 dated 27.03.2017 registered under Sections 408, 467, 468 and 471 IPC (Section 204 IPC added later on vide order dated 07.04.2026) at Police Station DLF, District Gurugram and all consequential proceedings arising therefrom.

2. Briefly stated, the allegations in the present FIR are that the petitioner Rajeev Jha was employed as an Accountant with the complainant-company namely FOS Laser Spa Pvt. Ltd. And LA Skin since 10.07.2015 on a fixed salary of Rs.25,000/- per month, which was later enhanced. During



the course of employment, he was entrusted with accounting work, banking transactions, cash handling, taxation work and release of cheque payments. It is alleged that discrepancies were noticed in the accounts maintained by the petitioner and the company's CA refused to audit the books on account of alleged false calculations and incorrect entries. It is further alleged that the petitioner failed to deposit company cash in the bank account in time and, upon being questioned, used to furnish false explanations. Thereafter, the complainant-company issued a one month termination notice to the petitioner on 22.10.2016. According to the complainant, after receiving the termination notice, the petitioner stopped reporting for work and switched off his mobile phone. Subsequently, the complainant received SMS and email alerts from HDFC Bank regarding clearance of certain cheques from the company accounts. Upon inquiry, it allegedly came to light that the cheques had been encashed in accounts linked to the petitioner. It is further alleged that several cheque leaves, company documents, letterheads and company stamp were missing and that cash amounting to Rs.37,000/- had also been misappropriated. On the basis of these allegations, FIR No.205 dated 27.03.2017 under Sections 408, 467, 468 and 471 IPC came to be registered at Police Station DLF, District Gurugram.

3. Learned counsel for the petitioner contends that the petitioner was appointed with respondent No.2-firm in June, 2015 on a monthly salary of Rs.55,000/- and discharged his duties diligently without there being any complaint against him during the course of employment. It is submitted that though the agreed salary of the petitioner was Rs.55,000/- per month, the respondents initially paid only Rs.25,000/- through cheques and the



remaining amount in cash. Thereafter, from September, 2015 till March, 2016, only Rs.25,000/- through cheques and Rs.5,000/- in cash were allegedly paid to the petitioner and the balance salary amount remained unpaid on the assurance that the same would be cleared later. It is further contended that a sum of Rs.3,44,516/- became due towards arrears of salary payable to the petitioner. However, instead of clearing the outstanding dues, the respondents issued a termination notice dated 22.10.2016 and terminated the services of the petitioner. At the time of termination, the petitioner handed over charge of all documents and articles belonging to the company vide inventory dated 20.10.2016. Learned counsel submits that respondent No.2 had issued four cheques towards salary arrears, out of which only one cheque bearing No.00349 dated 28.12.2016 amounting to Rs.82,500/- was encashed whereas the remaining cheques were dishonoured. It is further argued that the petitioner had earlier submitted a complaint dated 13.12.2016 before the Station House Officer, Gurugram against respondent No.2 and thereafter also instituted a civil recovery suit for recovery of Rs.3,56,909/- along with interest before the District Judge, Dwarka Courts, New Delhi on 30.01.2017. Learned counsel submits that the impugned FIR dated 27.03.2017 was thereafter got registered by respondent No.2 as a counterblast to the said complaint and civil suit, with an intention to pressurize the petitioner into withdrawing the recovery proceedings. Learned counsel for the petitioner further contends that the dispute between the parties is essentially civil in nature arising out of employer-employee relationship and non-payment of salary dues and that criminal proceedings have been maliciously initiated by giving a colour of criminality to a purely



civil dispute. It is also submitted that the petitioner is a law-abiding citizen having no previous criminal antecedents and that continuation of the impugned criminal proceedings would amount to abuse of the process of law.

4. Learned State counsel, assisted by learned counsel for respondent No.2-complainant, has opposed the present petition and submits that the petitioner was working as an Accountant with the complainant-company namely FOS Laser Spa Private Limited and LA Skin situated at Gurugram and was entrusted with handling accounts, banking transactions and cheque related work. It is contended that during the course of employment, the petitioner failed to discharge his duties properly and after issuance of termination notice, the complainant received SMS and email alerts from HDFC Bank regarding encashment of various cheques bearing Nos.349, 350, 351 and 674 amounting to Rs.1,80,000/-, Rs.82,500/-, Rs.54,077/- and Rs.27,000/- respectively. Upon inquiry from the bank authorities, it was revealed that the amounts had been transferred to accounts linked with the petitioner Rajeev Jha. It is further alleged that several cheque leaves, company documents, company letterheads, stamp and cash amounting to Rs.37,000/- were also found missing. Learned counsel further submits that during investigation, the relevant bank records and other documents were collected and from the bank statement it was found that an amount of Rs.82,500/- had been transferred in the HDFC Bank account of the petitioner on 28.12.2016 through cheque No.349 and thereafter a sum of Rs.70,000/- was further transferred by the petitioner into another account maintained with State Bank of India. It is contended that specimen



signatures and handwriting of the complainant as well as the petitioner were obtained before the Executive Magistrate, Gurugram and the questioned documents were sent to RFSL, Bhondsi for examination. It is also argued that the petitioner was arrested on 23.02.2022 and pursuant to his disclosure statement, certain cheque books, stamp-pad and other documents were recovered from him and he also disclosed that some documents had already been destroyed, whereafter Section 204 IPC was added in the case. Learned State counsel submits that the challan has already been prepared and the matter involves disputed questions of fact requiring appreciation of evidence during trial and, therefore, the present petition under Section 482 Cr.P.C. is not maintainable at this stage.

5. Learned counsel for respondent No.2 further contends that the allegations levelled in the FIR clearly disclose commission of cognizable offences including criminal breach of trust, forgery and use of forged documents and the same cannot be termed as a purely civil dispute merely because the petitioner had also instituted a recovery suit against the complainant-company.

6. I have heard learned counsel for the parties and gone through the record carefully.

7. Before proceeding further, it would be apposite to notice the scope of jurisdiction of this Court under Section 482 Cr.P.C. The inherent powers vested in the High Court are to be exercised sparingly and with great caution to prevent abuse of the process of law or to secure the ends of justice. At the stage of consideration of a petition for quashing of FIR, this Court is not expected to conduct a mini trial or appreciate the evidence in



detail. Where the allegations made in the FIR and the material collected during investigation *prima facie* disclose commission of cognizable offences and disputed questions of fact arise for adjudication, the same are required to be examined by the trial Court after the parties lead evidence.

8. In the present case, the contention raised on behalf of the petitioner is that the dispute is purely civil in nature arising out of non-payment of salary and that the impugned FIR has been lodged as a counterblast to the recovery proceedings initiated by the petitioner against respondent No.2. However, this Court is unable to accept the said contention at this stage. A perusal of the FIR as well as the status report filed by the State would show that specific allegations have been levelled against the petitioner regarding unauthorized encashment of company cheques, transfer of amounts into his personal bank accounts, disappearance of cheque leaves, company documents, letterheads and stamp and also misappropriation of cash belonging to the complainant-company. During investigation, bank records were obtained and it has been alleged that an amount of Rs.82,500/- was credited into the account of the petitioner through cheque No.349 and thereafter part of the said amount was transferred into another account maintained by him. It has further come on record that specimen signatures and handwriting were obtained during investigation and the questioned documents were sent to RFSL, Bhondsi for examination. The petitioner was also arrested during investigation and certain documents, cheques and stamp-pad were allegedly recovered pursuant to his disclosure statement.

9. Thus, the allegations are not confined merely to non-payment of salary or breach of terms of employment. *Prima facie*, the FIR discloses



allegations involving criminal breach of trust, forgery and use of forged documents, which cannot be adjudicated upon in proceedings under Section 482 Cr.P.C. The defence sought to be raised by the petitioner that the cheque amount represented salary dues and that the FIR is false or motivated are all matters requiring appreciation of evidence and adjudication on disputed questions of fact, which can only be gone into by the trial Court during the course of trial.

10. So far as the contention of learned counsel for the petitioner that the FIR is a counterblast to the civil recovery suit filed by the petitioner is concerned, no doubt, the FIR came to be registered after institution of the said civil proceedings, however, merely on that basis, it cannot be conclusively held in proceedings under Section 482 Cr.P.C. that the impugned FIR is a counterblast or has been maliciously instituted. The said issue again involves disputed questions of fact which cannot be adjudicated upon by this Court while exercising inherent jurisdiction under Section 482 Cr.P.C.

11. It is well settled that merely because a dispute has certain civil consequences or civil proceedings are pending between the parties, the criminal proceedings cannot be quashed if the allegations in the FIR prima facie disclose commission of criminal offences. At this stage, this Court is only required to see whether the allegations, if taken at their face value, constitute the offences alleged and not whether the prosecution case would ultimately result in conviction.

12. In view of the above discussion, this Court finds no ground to invoke its inherent jurisdiction for quashing of the impugned FIR and



consequential proceedings. The present petition, being devoid of merit, is accordingly dismissed.

13. All pending applications, if any, also stand disposed of.

25.05.2026

Anu

**(MANDEEP PANNU)
JUDGE**

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