IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

2026:PHHC:130180

CRM-M-36907-2017 (O&M)

Tejinder Kaur ...Petitioner

Versus

State of Punjab and another ...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	10.09.2026
2	The date when the judgment is pronounced	15.09.2026
3	The date when the judgment is uploaded on the website	16.09.2026
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. Ahluwalia, Senior Advocate with
Dr. Isha Mehta, Advocate and
Mr. Sidhanth Thukral, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. G. S. Kaura, Advocate and
Ms. Kamaldeep Kaur, Advocate
for respondent No. 2.

MANISHA BATRA, J.

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.13 dated 10.02.2016, registered under Sections 420, 465, 467, 468, 471 and 120-B IPC at Police Station Kotwali Nabha, District Patiala, along with all consequential proceedings arising therefrom.

2. Brief fact of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by respondent No. 2/complainant Apanjit Kaur alleging therein that she and her sisters, namely Avtar Kaur Jawanda, Paramjit Kaur and Rupinder Kaur, are daughters of Ujagar Singh. Avtar Kaur Jawanda was unmarried and was looking after her father. It was further alleged that Ujagar Singh had transferred about 11 killas of land in favour of Avtar Kaur Jawanda by way of a decree. After the death of Ujagar Singh, Paramjit Kaur filed claim No.199/2003 seeking 1/4th share in Kothi No.205, Navi Basti, Cinema Road, Nabha. Her application for stay was dismissed on 03.04.2004 and the matter was fixed for 07.05.2004. However, on 06.05.2004, Paramjit Kaur, in connivance with her accomplices, killed Avtar Kaur Jawanda as she was apprehensive that the decision regarding the Kothi might go against her. It was further alleged that when she could not ascertain the whereabouts of Avtar Kaur Jawanda, she became suspicious that she had been killed and that her dead body had been disposed of. A case was thereafter registered against Paramjit Kaur and others, in which Paramjit Kaur was sentenced to life imprisonment and subsequently obtained bail in appeal.

3. As per the further allegations, in compliance with the order of this Court, mutation of the 11 killas of land was entered in the names of the complainant and Rupinder Kaur. It was further alleged that Paramjit Kaur, in connivance with her sons and others, nevertheless took possession of the land and filed a claim before the Court at Nabha. During the proceedings in that claim, the complainant came to know that Kothi No.205 had been transferred

in the name of Paramjit Kaur and had thereafter been sold. On obtaining the relevant documents from the Municipal Council, Nabha, she alleged that Paramjit Kaur had got the ownership of the Kothi transferred in her name on the basis of a Will bearing forged signatures of Ujagar Singh. Paramjit Kaur thereafter got the Kothi registered in the name of her son Kulwinder Singh, who in turn got it registered in the name of the present petitioner-Tejinder Kaur. It was further alleged that while obtaining electricity connection for the Kothi, documents were submitted in the name of Baljinder Kaur wife of Jeet Singh instead of the petitioner and that the Kothi was subsequently sold to Baljinder Kaur. The complainant alleged that the documents relating to the electricity connection and the subsequent transactions were fabricated and that the accused persons had, in connivance with each other, changed the ownership of the Kothi on the basis of the forged Will and forged registries and misled the concerned officials.

4. After registration of the FIR, investigation proceedings were initiated. The petitioner was granted concession of bail by this Court. After completion of investigation, challan under Section 173 Cr.P.C. has been presented. Aggrieved thereof, the petitioner has filed this petition seeking quashing of the impugned FIR along with all the subsequent proceedings. Vide order dated 03.10.2017, the proceedings before the learned trial Court were ordered to be stayed. Thereafter, vide order dated 23.08.2022, the proceedings only qua the petitioner were ordered to be stayed.

5. It is argued by learned Senior Counsel for the petitioner that she has been falsely implicated in this case. She was a bona fide purchaser of the

property and has been unnecessarily dragged into a dispute between the complainant and her sister-Paramjit Kaur. It is argued that the petitioner purchased Kothi No.205 from Kulwinder Singh through a registered sale deed dated 11.01.2012 for a consideration of Rs.20 lakhs. Out of the sale consideration, an amount of Rs.17.50 lakhs was paid through a demand draft and the petitioner had also obtained a loan from Axis Bank for the said transaction. The bank account statement showing payment of the loan instalments has also been placed on record. Learned Senior Counsel further argued that the petitioner subsequently sold the property to Baljinder Kaur through a registered sale deed dated 18.07.2014 for Rs.23 lakhs and, therefore, had no concern with the dispute between the complainant and Paramjit Kaur. It is further argued that the very manner in which the consideration was paid and the bank loan was obtained shows that the petitioner was a bona fide purchaser and not a participant in any fraudulent transaction.

6. Learned Senior Counsel has further argued that there is no allegation that the petitioner forged the Will or committed any act of cheating against the complainant. Even if there was any fraud in relation to the title of the property, the subsequent purchaser, namely Baljinder Kaur, would have been the affected person. It is, thus, argued that the essential ingredients of the offences alleged against the petitioner are not made out and continuation of the criminal proceedings would amount to abuse of the process of law. It is further submitted that the proceedings arise out of an inter se dispute between the sisters regarding the property of their father and the petitioner, being a

subsequent purchaser, cannot be made to face a criminal trial merely on account of having purchased the property through a registered sale deed. With these broad submissions, it is submitted argued that continuation of the proceedings against the petitioner under the impugned FIR would be nothing but a sheer abuse of the process of law. Hence, it is urged that the petition deserves to be allowed and the impugned FIR along with all the subsequent proceedings having emanated therefrom, is liable to be quashed qua the petitioner.

7. Reply has been filed by the respondent-State. Learned State counsel has opposed the petition by arguing that the investigation was duly conducted and culminated in the presentation of a report under Section 173 Cr.P.C. against the petitioner and the other accused. The investigating agency had collected material during investigation and had found sufficient evidence against the accused persons to face trial. Learned State counsel submitted that the investigation revealed that the petitioner, along with the other accused, was involved in the transactions relating to Kothi No.205 and that the documents relating to the property and electricity connection had been used in the alleged fraudulent transaction. It is argued that the allegations and the material collected during investigation cannot be examined in detail in proceedings under Section 482 Cr.P.C., particularly when the challan has already been presented before the learned trial Court. Even otherwise, an application filed by the petitioner for discharge was pending at the time of filing of this petition. Therefore, the present petition was not maintainable. Learned State counsel further argued that the petitioner has an effective

remedy before the learned trial Court and can raise all her pleas at the appropriate stage. Hence, it is urged that the petition is liable to be quashed.

8. Reply has been filed on behalf of respondent No. 2 as well. Learned counsel for respondent No.2 has argued that the petitioner was not a bona fide purchaser and was involved in the alleged fraudulent transaction. The petitioner purchased the property through the disputed chain of transactions and thereafter sold it to Baljinder Kaur. Learned counsel further argued that the petitioner was aware of the defective title of the property and that the transactions were part of the alleged conspiracy. The bank loan and sale consideration did not establish the petitioner's bona fides. The petitioner can raise all pleas before the learned trial Court during trial. No case for quashing the FIR has been made out. Hence, it is urged that the petition is liable to be dismissed.

9. This Court has heard the rival submissions at considerable length, besides going through the material placed on record.

10. 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 BNSS, 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 had 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;
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> (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;
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> (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;
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> (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;
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> (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;
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> (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."

11. 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.

12. 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.

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.
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> 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. The core allegation against the petitioner is that she purchased Kothi No.205 from Kulwinder Singh through a registered sale deed dated 11.01.2012 and thereafter sold the same property to Baljinder Kaur through a registered sale deed dated 18.07.2014. The case of respondent No.2 is that the title of Kulwinder Singh itself flowed from Paramjit Kaur, who had allegedly acquired the property on the basis of a forged Will and that the subsequent transactions formed part of the same fraudulent scheme. However, a careful reading of the allegations shows that there is no specific allegation that the

petitioner had any role in preparation or fabrication of the alleged forged Will. There is also no specific allegation that she was a party to its creation or that she had knowledge, at the time of purchasing the property, that the Will was forged. The allegation against her essentially flows from her being a subsequent purchaser of the property and thereafter transferring the same to Baljinder Kaur.

15. The question, therefore, is whether a person who purchases property through a registered sale deed can be subjected to criminal prosecution for forgery, cheating and conspiracy merely because the title of the vendor is subsequently alleged to have originated from a forged document. Before examining the aforesaid question, it would be apposite to notice the ingredients of the offence of cheating alleged against the petitioner. The petitioner has been booked for commission of offence punishable under Section 420 of IPC on the allegations that she, in connivance with co-accused, had cheated the complainant/her daughter. 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 person 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.**

16. 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.**

17. 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 be established. The question, therefore, is whether the allegations against the petitioner satisfy the aforesaid requirements. The Hon'ble Supreme Court has recently considered an almost similar issue in ***S. Anand v. State of Tamil Nadu and another, 2026 SCC Online SC 702***. In that case also, the appellant was a purchaser of property through registered sale deed and was sought to be prosecuted for offences under Sections 420,

467, 468, 471 and 120-B IPC on the allegation that the property had been dealt with on the basis of a forged Will. The Hon'ble Supreme Court noticed that there was no material showing any role of the appellant in fabrication of the Will. The Hon'ble Supreme Court further held that a purchaser for valuable consideration cannot, in such circumstances, be treated as the person who offered fraudulent inducement to the complainant or made him part with any property or valuable security so as to attract the offence of cheating. It was also noticed that there was no privity of contract between the purchaser and the complainant and no tangible material to show that the purchaser had conspired in preparation of the forged Will or had executed the sale deed with knowledge that the signatures on the Will were forged.

18. While reaching the aforesaid conclusion, the Hon'ble Supreme Court relied upon ***Mohammed Ibrahim and Others v. State of Bihar and Another, (2009) 8 SCC 751***. In the said case, the Hon'ble Supreme Court examined the prosecution of a purchaser who had purchased property under a sale deed executed by a person claiming ownership thereof. The Court held that where the purchaser himself has not been deceived or fraudulently induced to part with property, the ingredients of cheating against such purchaser are not attracted merely because the vendor had claimed ownership over the property. It was further clarified by the Hon'ble Supreme Court that execution of a sale deed by a person claiming ownership over property which does not belong to him does not, by itself, amount to making a false document or forgery. If such person sells the property knowing that it does not belong to him and thereby defrauds the purchaser, the purchaser may complain of

cheating. However, a third party who is not the purchaser under the deed may not be in a position to make such complaint.

19. Applying the aforesaid principles to the facts of the present case, this Court finds that the petitioner purchased the property from Kulwinder Singh through a registered sale deed dated 11.01.2012 for a consideration of Rs.20 lakhs. As noticed above, Rs.17.50 lakhs out of the sale consideration was paid through demand draft and the petitioner had also obtained a loan from Axis Bank for the transaction. The petitioner thereafter sold the property to Baljinder Kaur through a registered sale deed dated 18.07.2014 for Rs.23 lakhs. Significantly, the alleged forged Will was not executed by the petitioner. There is no specific allegation that she participated in its preparation or fabrication. There is also no specific allegation or material referred to in the FIR showing that the petitioner had knowledge that the Will was forged when she purchased the property. Her involvement is sought to be inferred mainly from the fact that she purchased the property from Kulwinder Singh and subsequently sold it to Baljinder Kaur. Merely because the title of the vendor is subsequently disputed, the subsequent purchaser cannot, in the absence of material showing her participation in the forgery or conspiracy, be made to face criminal prosecution. The registered nature of the transaction, payment of consideration and the subsequent sale may be matters relevant to determine the nature of the transaction, but they do not, by themselves, establish the ingredients of cheating. So far as the other offences under Sections 465, 467, 468 and 471 IPC are concerned, there is also no specific allegation or material to show that the petitioner had either prepared, forged or fabricated the alleged Will, or had participated in its preparation. There is also

no material to show that, knowing the Will to be forged, the petitioner had used the same as a genuine document. The petitioner came into the transaction subsequently through a registered sale deed executed by Kulwinder Singh. Mere purchase of the property under a registered sale deed, without any material showing participation in the creation of the forged document or knowledge of its alleged forged nature, cannot by itself constitute the offences of forgery or using a forged document as genuine. Consequently, the ingredients of Sections 465, 467, 468 and 471 IPC are also not prima facie attracted against the petitioner.

20. The fact that the petitioner had obtained a bank loan for purchasing the property is also significant. At this stage, this Court is not examining the defence of the petitioner by conducting a mini trial. The limited question is whether the allegations and the material placed on record disclose the essential ingredients of the offences against her. In the present case, there is no tangible material showing that the petitioner had participated in creation of the alleged forged Will or had knowingly used the same as a forged document. The submission of learned counsel for respondent No.2 that the petitioner was not a bona fide purchaser and that the transactions were sham transactions essentially raises questions regarding the nature of the transaction and the knowledge of the petitioner. In the absence of specific material connecting her with the alleged forgery or conspiracy, such inference cannot be drawn merely from the fact that she was a subsequent purchaser and thereafter sold the property. The allegations regarding the alleged forged Will primarily concern the person who is stated to have derived title on its basis. The petitioner came into the picture much thereafter as a purchaser through a

registered sale deed. No specific role has been attributed to her in preparation of the alleged forged Will, nor is there material to show that she knowingly participated in the alleged conspiracy.

21. So far as the argument that an application for discharge was pending at the time of filing of this petition is concerned, it can be stated that the mere pendency of an application for discharge before the trial Court does not bar the exercise of jurisdiction by this Court under Section 482 Cr.P.C. Reference in this regard can be made to ***Pepsi Foods Ltd. & another v. Special Judicial Magistrate & others, 1998(5) SCC 749*** and ***Ashok Chaturvedi & others v. Shitul H. Chanchani & another, 1998(3) RCR (Criminal) 801 : (1998) 7 SCC 698***, wherein it has been held by Hon'ble Supreme Court that merely because the accused has a remedy of seeking discharge before the Magistrate or has filed an application for such purpose, it does not preclude the accused from approaching the High Court under Section 482 Cr.P.C. or Article 227 of the Constitution for quashing of the proceedings, where no offence is made out against him. Similar view was expressed by Hon'ble Supreme Court in ***Mukesh and others v. The State of Uttar Pradesh and others, 2025 Law Finder (SC) 3173***, wherein it was observed that the scope of application for discharge is completely different from the scope of a petition for quashing the criminal proceedings. While arguing a case for discharge, the appellants will not be in a position to rely upon any document which is not the part of charge sheet. The ground of abuse of process of law will not be available while arguing discharge application. However, in a petition for quashing either under Section 482 Cr.P.C. or under Article 226 of the Constitution, a wider challenge is available including a

challenge on the ground of abuse of process of law. In such proceedings, the accused can rely upon documents which are not the part of the charge-sheet.

22. In these circumstances, permitting the prosecution to continue against the petitioner merely on the basis of her being a subsequent purchaser would not serve any useful purpose. The continuation of such proceedings against the petitioner would amount to abuse of the process of the Court. The case of the petitioner is, therefore, covered by the principles laid down by the Hon'ble Supreme Court in ***S. Anand's case (supra)*** and ***Mohammed Ibrahim's case (supra).***

23. In view of the discussion as made above, the present petition is allowed and the impugned FIR No.13 dated 10.02.2016, registered under Sections 420, 465, 467, 468, 471 and 120-B IPC at Police Station Kotwali Nabha, District Patiala, and all consequential proceedings arising therefrom are quashed qua the petitioner.

24. It is, however, made clear that the present order shall have no effect on the proceedings against the remaining accused.

15.09.2026 **(MANISHA BATRA)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*