



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

**CRM-M-16330-2022 (O&M)
Date of decision : 15.07.2026**

REENA KUMARI AND ANOTHER

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

Coram: Hon'ble Mrs. Justice Shalini Singh Nagpal

Present: Mr. Rajesh Lamba, Advocate
and Mr. Abhinav Kaushik, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Jaskaran Chhatwal, Advocate
for respondent No. 2. (through video conferencing)

SHALINI SINGH NAGPAL J.

1. Petitioners seek quashing of FIR No. 0057 dated 28.01.2022 under Sections 148, 149, 323, 427, 506 Indian Penal Code, Police Station Sonipat City, District Sonipat and all subsequent proceedings arising therefrom.

2. Complainant/respondent No. 2 Satish Kumar son of Sarup Singh resident of Ashok Vihar Gohana Road, Sonipat made a complaint to the police stating that their case was pending in the Court and the next date of hearing was 26.04.2022. On 13.01.2022, Mukesh, Reena, father of Reena, brother of Reena and friend of Mukesh came along with police, with an order that the plot was vacant, where building material of Mukesh and Reena was lying and no disturbance be caused in the work. Police submitted a report on 14.01.2022, whereafter the Court adjourned the case to 26.04.2022. In the morning of 28.01.2022, Reena, Mukesh, mother of Reena, brother of Reena and two friends of Mukesh arrived, carrying weapons for breaking the wall. On hearing noise, they came outside. Those

persons had climbed upon the wall and the roof and were breaking it. They



tried to stop them, when Reena and one other person caught him. Mukesh started making video. After some time, they attacked him with a sharp weapon and rod. Mukesh switched off the video. He suffered injuries and called up 112. The police came and took him to Civil Hospital. Medical examination was conducted. After some time, Mukesh and four other persons came to the hospital and threatened them. They returned to their house and went to a doctor. It was further alleged that Court case was pending and there was no order of demolition by the Court, yet those persons entered their house and started breaking their shop. They apprehended danger to their life as those persons were accompanied by unofficial persons. Appropriate action was prayed for.

3. Learned counsel for the petitioner submits that Ram Devi was owner in possession of 200 sq. yards land vide sale deed dated 29.04.1989. By virtue of a family settlement, she had given two plots of 100 sq. yards each to her sons Sushil Kumar and Satish Kumar. Complainant/respondent No.2-Satish Kumar got sale deed executed through Ram Devi, in favour of Jagdish Chander on 17.12.2012. Respondent No. 2 was a witness in the sale deed. Regarding the remaining plot of 100 sq. yards, release deed was executed by Ram Devi in favour of Sushil on 08.06.2013. Sushil, who became owner in possession of the remaining 100 sq. yards land, sold the land to the petitioners to the extent of half share each, vide sale deed dated 12.09.2019. Satish Kumar, with ill intention, filed civil suit against petitioner No. 1 and Raj Singh claiming ownership and possession of the house measuring 100 sq. yards. Vide order dated 14.07.2021, in that civil suit, learned Civil Judge, (Jr. Division), Sonipat, directed the parties to maintain status quo regarding possession of suit property. Petitioner No. 1 and Raj



Singh filed an appeal challenging the order before learned Additional District Judge, Sonipat. Order dated 14.07.2021 was set aside and the appeal was allowed. Revision petition filed by complainant/respondent No. 2 was dismissed by this Court. Petitioner No. 2 filed a civil suit with regard to his ownership and possession of 100 sq. yards land, and vide order dated 21.09.2021 (Annexure P-3), respondent No. 2 was restrained from interfering in peaceful possession of the petitioners, over the suit property and from creating any hindrance/obstacle in the construction work over the property. Since respondent No. 2 was not allowing petitioners to undertake construction in the property, petitioner No. 2 filed an application for police help, which was allowed vide order dated 06.01.2022 (Annexure P-4). Petitioners visited the property along with police on 28.01.2022 at 8.30 AM. Respondent No. 2, in connivance with police, lodged a false case against the petitioners. From bare perusal, no *prima facie* case was made out and the FIR was actuated by *mala fide*, to defeat the ownership and possessory rights of the petitioners over the said property. No ingredients of the offences under Sections 148, 149, 323, 427, 506 Indian Penal Code were made out against the petitioners. The FIR, which was an abuse of the process of law, thus, deserves to be quashed.

4. The State has filed reply by way of affidavit of Nar Singh, HPS, Assistant Commissioner of Police, City-I, Sonipat submitting that after thorough and fair investigation, final report under Section 173 Cr.P.C. was submitted in the Court against the petitioners, Daya Ram, Ram Kumar and Satbir. There were direct and specific allegations against the petitioners and sufficient evidence was collected by the police regarding commission of the offences. Petitioners actively participated in causing injuries to the



complainant and his wife, damaged their property and criminal intimidated them. Petitioners got recovered weapons of offence and also demarcated the place of occurrence. *Prima facie*, case was made out against the petitioners and co-accused. In view of the evidence available, prosecution was rightly launched. Remedy of the petitioners was to face trial and take all the pleas before the trial Court. The petition was filed on fake grounds, only to escape the consequences of offence and petitioners were not entitled to invoke the extra-ordinary jurisdiction of the Court. The petition, therefore, deserved to be dismissed. It was further submitted that the allegations in the FIR were supported by medico legal reports and CCTV footage, besides disclosure statements suffered by the petitioners, who also got recovered the weapons of offence.

5. Learned counsel for respondent No. 2 added that there were specific allegations regarding the date, time and place of the occurrence, the names of the petitioners were disclosed as also the complete sequence of events. The pendency of civil litigation between the parties did not justify petitioners causing injuries to the complainant and his wife and committing offence of criminal intimidation. Defence of the accused was to be considered at final stage of the trial and could not be made a ground to quash the FIR.

6. The inherent powers of this Court to quash criminal proceedings under Section 528 BNSS are to be exercised sparingly, in rare and exceptional circumstances. The very plenitude of the power requires exercise of great care, caution and circumspection. Interference of this Court under Section 528 BNSS should only be to prevent the abuse of the process of law or to secure the ends of justice. Inherent powers cannot be exercised



on mere asking, where the allegations in the First Information Report, taken at their face value and accepted in entirety, constitute commission of a cognizable offence.

7. Plea of the petitioners that the case was falsely got registered against them by respondent No. 2 on account of long standing property dispute and pending civil litigation is his defence, which can be considered only after a full fledged trial and evidence being led. Whether the allegations against the petitioners are true or otherwise can be determined only on conclusion of trial, on the basis of examination-in-chief and cross-examination of the witnesses and medical evidence.

8. In ***C.S. Prasad Vs. C. Satyakumar And Others 2026 INSC 39***
Hon'ble Supreme Court observed as under:

“22. The jurisdiction under Section 482 of the Cr.PC is extraordinary in nature and is to be exercised with great caution. This Court in catena of judgments has emphasised that the High Court must avoid usurping the function of a trial court or conducting a mini-trial when disputed factual questions attend the maintainability of a complaint. The only requirement is to examine whether the uncontroverted allegations, as contained in the FIR, taken at their face value, disclose the commission of any cognizable offence.

24..... it is apt clear that even though the powers under Section 482 of the Cr.PC are very wide, its conferment requires the High Courts to be more cautious and diligent. While examining any FIR, the High Court exercising its power under this provision cannot go embarking upon the genuineness of the



allegations made. The High Court must only consider whether there exists any sufficient material to proceed against the accused or not and must not be concerned with the reliability, sufficiency, or acceptability of the evidence.

31. It is a settled proposition that when a factual foundation for prosecution exists, criminal law cannot be short-circuited by invoking inherent jurisdiction under Section 482 of the Cr.PC. Where allegations require adjudication on evidence, the proper course is to permit the trial to proceed in accordance with law.....”

9. Following observations of Hon’ble Supreme Court in **Hira Lal v. State (Govt. of NCT) Delhi, 2003 SCC(Cri)2016**, would also be relevant:-

“It is a firmly established principle that, while examining a petition for quashing under Section 482 of the Crpc, the court must refrain from conducting a mini-trial or undertaking a detailed evaluation of the evidence. The inherent power to quash criminal proceedings is to be exercised only in rare and exceptional circumstances, such as where the allegations in the FIR are patently absurd, inherently improbable, or fail to disclose any cognizable offence. When the FIR or complaint, on its face, discloses the basic ingredients of a cognizable offence, the appropriate course is to allow the process of investigation and trial to continue, rather than prematurely terminating the prosecution at an interlocutory stage. Interference at this stage



would not only impede the investigative process but also defeat the very object of criminal justice.”

10. If the contents of the FIR are closely examined, commission of cognizable offence(s) are *prima facie* disclosed. The previous history of civil disputes over property, between the parties is alone not sufficient to bring the case within the four corners of categories 5, 6 and 7 laid down in ***State of Haryana and Others vs. Chaudhary Bhajan Lal and Others, 1992 AIR 604***. Whether or not the offences under Sections 148, 149, 323, 427, 506 Indian Penal Code, were in fact committed by the petitioners, is a question which can be determined only on conclusion of trial. Disputed questions of facts cannot be gone into in a quashing petition. The petition is, therefore, dismissed.

11. Nothing observed hereinabove shall be construed as an opinion on merits of the case. Learned trial Court is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

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

(SHALINI SINGH NAGPAL)
JUDGE

15.07.2026

Ajay Goswami

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No