



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

CRM-M No.44720 of 2024
Date of decision: 9th September, 2024

Sachin Yadav

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Petitioner in person.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 seeking quashing of FIR No.156 dated 20.05.2024 under Sections 323, 506 of the IPC registered at Police Station Manesar, District Gurugram.

2. The petitioner, appearing in person, contends that he has been falsely implicated in the instant case for allegedly causing injuries to the complainant's legs. While drawing the attention of this Court to the FIR annexed as Annexure P-1, it has been argued that the complainant was, in fact, the aggressor. On the day of the occurrence in question, the complainant allegedly hurled multiple threats and used vulgar language towards the grandmother of the petitioner, which led to the occurrence in question, as it had occurred on account of sudden and grave provocation. It has been further submitted by the petitioner that a



cross case has also been registered against the complainant. In support, he has drawn the attention of this Court to Annexure P-6.

3. In response to a specific query regarding the stage of the trial, the petitioner has informed the Court that only challan has been presented thus far. He has further asserted that a plain reading of the challan also reveals that the essential elements of the offences alleged are entirely lacking in the present case.

4. I have heard the petitioner, who is appearing in person, and perused the relevant material on record.

5. This Court undoubtedly is vested with extraordinary powers under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023, however, such powers must be exercised with due caution and circumspection. At this stage, the role of the Court is limited to determining whether the FIR in question discloses the commission of a cognizable offence. The Court cannot travel beyond the allegations contained in the FIR or the material collected by the Investigating Agency, nor can it consider the defence of the accused at this stage.

6. Adverting to the present case, the petitioner has raised several disputed questions of fact that can be only addressed during the trial, when the parties would present their evidence, which will then be tested on the touchstone of cross-examination. At this preliminary stage, this Court cannot be expected to assess the veracity of the allegations levelled in the FIR or consider the submissions made by the petitioner



regarding his false implication. The petitioner, however, shall be at liberty to raise all his pleas during the course of trial.

7. Dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 9, 2024
rps

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