



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

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CRM-M No.17787 of 2025 (O&M)

Date of decision: 01.04.2025

Ankit Singh

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Antarpreet, Advocate
for the petitioner.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter 'BNSS') seeking quashing of FIR No.711 dated 12.11.2020 registered under Sections 323,365,506,511,34 of the Indian Penal Code, 1860 (hereinafter 'IPC') at Police Station Assandh, District Karnal and all subsequent proceedings arising therefrom.

2. Briefly, the facts, as alleged in the FIR(supra), are that the petitioner was married to respondent No.2 on 05.03.2014 and two children were born out of this wedlock. However, respondent No.2 found out that the petitioner has solemnised a second marriage with one Gurleen Kaur. Respondent No.2 has filed multiple cases against the petitioner. When respondent No.2 arrived in the Court, the petitioner and Gurleen Kaur assaulted her and tried to forcibly put her in their car. They also threatened to murder her and throw her in the canal.

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3. Learned counsel for the petitioner *inter alia* contends that the FIR(supra) has been filed as a counter-blast to the FIR bearing No,70 dated 12.11.2020 registered under Sections 323, 506, 34 IPC by the petitioner against respondent No.2 and others. Further, the DSP, Assandh, did not make any reference to the medico-legal report dated 11.11.2020(Annexure P-6) in his affidavit dated 21.12.2020(Annexure P-7), as such, the same cannot be reasonably relied upon. The CCTV footage relied upon by the prosecution was also not provided to the petitioner, in spite of an order passed to this effect by the learned trial Court. Finally, co-accused Gurleen Kaur is in a property dispute with Ranjit Singh, her father-in-law. The FIR(supra) has been filed by respondent No.2 in connivance with Ranjit Singh merely to satisfy their personal vendetta.

4. Having heard learned counsel for the petitioner and after perusing the record of the case, it appears that the petitioner and respondent No.2 have multiple litigations pending between them. The petitioner has been accused of assaulting and attempting to abduct respondent No.2 from the Court premises, as allegedly evidenced by the CCTV footage from the premises.

5. In view of the facts and circumstances of the case, this Court does not find it appropriate to appreciate the probable defence of the petitioner at this stage. The disputed questions of fact require adjudication by the learned trial Court on the basis of the evidence adduced by the parties. A two Judge bench of the Hon'ble Supreme



Court in ***HMT Watches Limited vs. M.A. Abida (2015) 11 SCC 776*** has held that inherent powers under Section 482 of the Cr.P.C. cannot be extended to determining question of facts. It is only for the trial Court to determine the disputed questions of fact after examining the evidence on record and interference by this Court with regards to factual questions is impermissible in law.

6. A two Judge bench of the Hon'ble Supreme Court in the ***Rathish Babu Unnikrishnan Vs. State (Govt. of NCT) 2022 SCC Online SC 513***, speaking through Justice Hrishikesh Roy, observed as under:

“17. The consequences of scuttling the criminal process at a pre-trial stage can be grave and irreparable. Quashing proceedings at preliminary stages will result in finality without the parties having had an opportunity to adduce evidence and the consequence then is that the proper forum i.e., the trial Court is ousted from weighing the material evidence. If this is allowed, the accused may be given an un-merited advantage in the criminal process. Also because of the legal presumption, when the cheque and the signature are not disputed by the appellant, the balance of convenience at this stage is in favour of the complainant/prosecution, as the accused will have due opportunity to adduce defence evidence during the trial, to rebut the presumption.”

Furthermore, in ***Sampelly Satyanarayana Rao vs. Indian Renewable Energy Development Agency Limited (2016) 10 SCC 458***, a two Judge bench of the Hon'ble Supreme Court, speaking through Justice Adarsh Kumar Goel, made the following observations:

“17. As is clear from the above observations of this Court, it is well settled that while dealing with a quashing petition, the Court has ordinarily to proceed on the basis of averments in the complaint. The defence of the accused

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cannot be considered at this stage. The court considering the prayer for quashing does not adjudicate upon a disputed question of fact.”

7. Accordingly, the present petition is dismissed. Pending miscellaneous application(s), if any, also stand disposed of.
8. However, nothing observed herein shall be construed as expression of an opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

01.04.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No