



CRM-M-23447-2024 (O&M)

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

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CRM-M-23447-2024 (O&M)

Date of Decision: 18.08.2025

Lovish Ganotra and others

...Petitioner(s)

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Abhimanyu Singh, Advocate for the petitioner(s).

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

KIRTI SINGH, J.(Oral)

1. The instant petition under Section 482 of Cr.P.C. has been filed for quashing of FIR No.0557 dated 15.12.2022, under Sections 313, 323, 354, 406, 498-A and 506 IPC, registered at Police Station Civil Line Sonipat, District Sonipat.

2. The long and short of the allegations leveled against the petitioners in the instant FIR registered on the statement of the complainant are that the petitioners conspired to deceitfully secure the marriage between petitioner No.1 and the daughter of complainant-respondent No.2. Despite receiving substantial gifts during the wedding, including gold, cash, and a even a car, the petitioners allegedly began harassing daughter of complainant for more dowry, verbally and physically abusing her, and pressuring her to transfer family property. Allegations of forced abortion, confinement, threats to the life of the prosecutrix, and manipulation to gain control over family assets were also made, because of which the prosecutrix suffered from severe mental trauma, depression, and suicidal thoughts, for which she had to receive



psychiatric treatment. For her well being, the prosecutrix was relocated to Canada by her family, despite which petitioner No.1 continued harassing her by instituting false police complaints and leveling threats.

3. Learned counsel for the petitioners submits that the instant FIR was lodged on the statement of the complainant/respondent No.2 against the petitioners, however, petitioner Nos.2 to 6 were declared innocent by the investigating agency and challan was presented only against petitioner No.1, whose marriage was solemnized with the daughter of respondent No.2 on 04.12.2020. It is submitted that all the allegations levelled against the petitioners are totally vague and ill founded. In fact, throughout the period of two years prior to the registration of the instant FIR, the daughter of respondent No.2 had not made any complaint against the petitioners. Moreover, there is no evidence on record to even make out a prima facie case against petitioner No.1. It is therefore prayed that the instant FIR, which is nothing but the abuse of process of law, be quashed against the present petitioners.

4. Learned State counsel while relying upon the status report filed by way of affidavit of Assistant Commissioner of Police, City Sonipat, submits that on 15.12.2022, the instant FIR was lodged on the statement of complainant-mother of the prosecutrix. A thorough inquiry was conducted wherein it was found that though the allegations levelled against petitioners No.2 to 6 could not be established, a prima facie was found to be present against petitioner No.1-husband. It was thereafter that challan was presented only against petitioner No.1 before the learned Trial Court. It is submitted that thereafter, the statement of the prosecutrix was also recorded before the learned Magistrate under Section 164 Cr.P.C on 15.12.2023, wherein she has reiterated the allegations



levelled in the complaint. Charges in the instant case stand framed against petitioner(s) on 09.12.2024, under Sections 323, 406, 498-A and 506 IPC, and a total of 11 witnesses were cited to be examined by the prosecution.

5. Heard.

6. It is settled law that the Courts must not invoke its extraordinary jurisdiction to quash FIRs as a matter of routine. It is only in exceptional circumstances, where not even a prima facie case can be established against the accused person, or that continuing of criminal proceedings would amount to gross miscarriage of justice, that an FIR should be quashed. The Hon'ble Supreme Court in ***State Vs. M. Maridoss & Anr. 2023(4) SCC 338*** held that, "9. Even otherwise, it is a settled position of law that while exercising powers under Section 482, CrPC, the High Court is not required to conduct the mini trial. What is required to be considered at that stage is the nature of accusations and allegations in the FIR and whether the averments/allegations in the FIR prima facie discloses the commission of the cognizable offence or not."

7. The scope and ambiguity of powers to be exercised under Section 482, CrPC has been elaborately dealt with and considered by Hon'ble Supreme Court in the case of M/s Neeharika Infrastructure Pvt. Ltd v. State of Maharashtra & Others; reported in (2020) 10 SCC 118. In para 57, it is observed and held as under:-

"From the aforesaid decisions of this Court , right from the decision of the Privy Council in the case of Khawaja Nazir Ahmad (supra), the following principles of law emerge:

- i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into cognizable offences;*
- ii) Courts would not thwart any investigation into the cognizable offences;*



- iii) However, in cases where no cognizable offence or offence of any kind is disclosed in the first information report the Court will not permit an investigation to go on;*
- iv) The power of quashing should be exercised sparingly with circumspection, in the 'rarest of rare cases'. (The rarest of rare cases standard in its application for quashing under Section 482 Cr.P.C. is not to be confused with the norm which has been formulated in the context of the death penalty, as explained previously by this Court);*
- v) While examining an FIR /complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR /complaint;*
- vi) Criminal proceedings ought not to be scuttled at the initial stage;*
- vii) Quashing of a complaint/FIR should be an exception and a rarity than an ordinary rule;*
- viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities. The inherent power of the court is, however, 39 recognized to secure the ends of justice or prevent the abuse of the process by Section 482 Cr.P.C.*
- ix) The functions of the judiciary and the police are complementary, not overlapping;*
- x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;*
- xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;*
- xii) The first information report is not an encyclopedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR . Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. During or after investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;*
- xiii) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be cautious. It casts an onerous and more diligent duty on the court ;*



xiv) However, at the same time, the court , if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR /complaint; and

xv) When a prayer for quashing the FIR is made by the alleged accused, the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider on merits whether the allegations make out a cognizable offence or not and the court has to permit the investigating agency/police to investigate the allegations in the FIR ."

8. In the case at hand, upon a perusal of the FIR, a prima facie case is made out. The prosecutrix has also reiterated the allegations in her statement recorded under Section 164 Cr.P.C. Accordingly, the learned trial court proceeded to frame charges against petitioner No.1 on 09.12.2024. Trite to say that under such circumstances, exercising of the extraordinary powers of this Court to quash an FIR would not be warranted, and may lead to travesty of justice. All the arguments qua the involvement of the petitioner(s) questions of fact, all of which shall be ascertained at the time of the trial, wherein the petitioner(s) would have due opportunity to prove innocence before the learned Trial Court, as per the procedure established in law.

9. Accordingly, present petition stands dismissed.

10. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

18.08.2025
Kapil

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