



124
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28783-2025 (O&M)
Date of Decision: 15.07.2025

Sakil

....Petitioner(s)

Versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

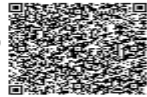
Present: Mr. Ritesh Tomar, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.277 dated 17.08.2024, under Sections 64(1), 332(b), 351 (3) of BNS, registered at Police Station Gadpuri, District Palwal alongwith all other consequential proceedings
2. The impugned FIR which has been attached by the petitioner with the present petition as Annexure P-1 is reproduced as under:-

*“F.I.R. NO.0227, DATED :-1 17.08.2024, UNDER SECTION
:- 332(B), 351(3) & 64(1) BNS 2023, P.S. GADPURI,
DISTRICT:- PALWAL, HARYANA*

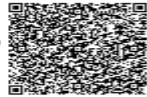
*The SHO,P.S. Gadpuri, Distt:- Palwal. Subject:-Complaint
against Sakil s/o Ibrabhim for molesting and making forcefully
illegal physical relation with late night and also threatening to
kill and to take legal action. Sir, It is requested that I
complainant Arshida W/o Mubarik R/o Near Masjid Village
Mandpuri, Tehsil and District Palwal. My Husband Mubarik*



works at Prithla and he work at night on alternative days. Near to our house Sakil S/o Ibrahim's plot is situated. On 10.08.2024 in the absence of my husband at 11:30 P.M. Sakil entered in my house and did obscene acts with me and also, he forcefully closed my mouth with hands and forcefully established illegal relation with me. Due to fear, I did not tell any thing to my husband Mubarik. Sakil threatened to kill me and my family and ran away by stating that if I will tell any thing to my husband or my family members then he will kill me and my family members. I remained quite because my children are small and I was alone at home. But now I will not be quite and under compulsion I narrated the incident to my husband. Mubarik when he came back from his duty. Now I am forced to take legal action Sakil s/o Ibrahim. Thus, it is requested that appropriate legal action be taken against the person mentioned above.

Your kindness will be appreciated.”

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in the present case by the complainant by levelling false allegations against the petitioner and concocting a story and it was based upon false facts. He submitted that his arguments get substantiated from a perusal of the FIR and while referring to the aforesaid FIR, he submitted that as per the complainant who is a married lady living in the same vicinity where the petitioner is living has alleged that her husband namely, Mubarik works at Prithla and he work at night on alternative days and on 10.08.2024, in the absence of her husband at 11:30 P.M, the petitioner entered the house of the complainant and committed obscene acts with her and he also forcefully closed her mouth with hands



and forcefully established illicit relations with her but due to fear, she did not tell anything to her husband because the petitioner had threatened to kill her. He submitted that the aforesaid allegations were false because on the aforesaid date of 10.08.2024, although the husband of the complainant was at his job but as per Annexure P-2, which is the monthly report, he remained on duty only from 09:30 A.M to 06:30 P.M, as is clearly evident from the aforesaid performance register pertaining to the date of 10.08.2024 and since the husband of the complainant was on duty till 06:30 P.M and the alleged incident occurred according to the complainant at 11:30 P.M, it cannot be said that the husband of the complainant was not present and therefore, on the face of it, the FIR is liable to be quashed. He further submitted that the people of the area have also written to the SSP, District Palwal vide Annexure P-3 that the petitioner has not committed any wrong and apart from the above, the complainant had been giving false complaints against many other persons earlier as well. He submitted that in view of the aforesaid facts and circumstances, the police has still presented a challan against the present petitioner and therefore, the FIR is liable to be quashed.

4. I have heard the learned counsel for the petitioner.

5. The first argument which was raised by the learned counsel for the petitioner was that as per the allegations contained in the FIR, the husband of the complainant was not on duty after 06:30 P.M and the alleged occurrence had taken place at 11:30 P.M on the same date i.e. 11.08.2024 and therefore, it cannot be presumed that the husband of the complainant was not at home. This Court is of the considered view that such kind of argument raised by the learned counsel for the petitioner is liable to be



rejected because the same can be seen only at the time of trial by way of adducing evidence and this Court while exercising powers under Section 528 of BNS cannot return a finding as to whether the husband of the complainant was present at home or not purely on the basis of the aforesaid Annexure P-2 which is nothing else but a performance register only incorporating time of duty of the husband of the complainant. Another argument which was raised by the learned counsel for the petitioner was that the people who are staying in the vicinity have so stated that the petitioner is innocent and this argument of the learned counsel for the petitioner is also liable to be rejected because it is also the subject matter of trial and this Court cannot in extraordinary powers quash the FIR based upon the aforesaid statements made by some of the residents of the place. Another argument which was raised by the learned counsel for the petitioner was that the complainant is in the habit of making such complaints. This argument is also devoid of any merit because a specific query was raised to the learned counsel for the petitioner as to whether any FIR has been registered on that account or not and whether he is able to name any person to whom such complaint, if any, was given to which he submitted that he does not have the details of the same. Therefore, this argument of the learned counsel for the petitioner is also liable to be rejected.

6. The law with regard to the quashing of the FIR is well settled. Hon'ble Supreme Court in ***State of Haryana and others Vs. Ch. Bhajan Lal and others, 1992 SCC (Crl.) 426*** has laid down guidelines on the basis of which the FIR can be quashed. The same are reproduced as under:-



“107. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

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.

2. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. 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.

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.

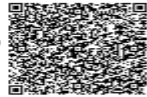
4. Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

5. Where the allegations made in the F.I.R. 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.

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.

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.

108. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that



too in the rarest of rare cases; that the Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the F.I.R. or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whim or caprice.”

7. After hearing the learned counsel for the petitioner and in view of the aforesaid law laid down by the Hon'ble Supreme Court, this Court is of the view that the grounds taken by the petitioner do not fit within the aforesaid parameters so laid down by the Hon'ble Supreme Court and even otherwise also, challan has already been presented before the learned trial Court, as per the learned counsel for the petitioner. It appears that the petitioner wants to adopt a short cut method which is not permissible under law unless he falls within the parameters laid down by the Hon'ble Supreme Court. It cannot be said that on the face of it, the FIR is liable to be quashed.

8. Consequently, the present petition is dismissed.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

15.07.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking

:

Yes/No

Whether reportable

:

Yes/No