



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

133

CRM-M-34031-2025

Date of decision: July 8th, 2025

Harshita Agrawal

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravinder Malik, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Prayer in this petition is for quashing of FIR No.238 dated 08.08.2024 under Sections 115, 117(2) of the BNS, 2023 registered at Police Station Sushant Lok, District Gurugram, along with all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner submits that the petitioner, a young woman, has been falsely implicated in the present case. It is alleged in the FIR (Annexure P-1) that the petitioner inflicted a grievous injury on the complainant by forcefully pushing her, resulting in a fracture on the left ankle. The learned counsel, however, contends that such an injury could not have been caused by a mere push and, assuming for the sake of arguments, though not admitted, the complainant sustained the injury due to an accidental fall arising from her own misbalance.

3. It is further submitted that the petitioner and the complainant were residing together as flatmates, and the genesis of the dispute is allegedly a disagreement over a sum of ₹2,000/- meant to be paid to the house-help. The learned counsel argues that with a malicious intent to

harass the petitioner, the complainant has concocted a false narrative leading to the registration of the present FIR.

4. Learned counsel has also referred to the statement of the domestic help, annexed as Annexure P-4, who allegedly stated that the petitioner was not present in the room at the time the complainant fell. It is contended that apart from the statement made by the complainant, there is no independent material on record to prove the involvement of the petitioner or to attract the ingredients of the offence under Section 115 of the BNS.

5. On these grounds, the petitioner prays for quashing of the FIR in question at the threshold, asserting that the present case is an abuse of the process of law.

6. I have heard learned counsel for the petitioner and perused the relevant material on record.

7. The scope of jurisdiction under Section 528 of the BNSS is well settled. The inherent powers of this Court are to be exercised sparingly with circumspection, and in the rarest of rare cases, where continuation of proceedings would amount to gross miscarriage of justice or manifest abuse of the legal process. It is equally well settled that at the stage of considering a petition for quashing of an FIR, the Court does not undertake a detailed scrutiny of evidence nor does it adjudicate disputed questions of fact.

8. In the present case, the core allegation is that the petitioner pushed the complainant with force, resulting in a grievous injury to her ankle. Whether or not the injury was accidental, as claimed by the petitioner, or a consequence of the alleged push, as stated in the FIR, it is a matter that requires appreciation of evidence, including examination

of witnesses and cross-examination during trial. These are disputed questions of fact, which cannot be resolved at this stage, particularly when the FIR discloses a *prima facie* commission of a cognizable offence.

9. The submission that the complainant had an ulterior motive owing to a monetary dispute, though noted, cannot be conclusively determined at this stage without allowing the prosecution and defence to lead evidence. Similarly, reliance on the statement made by the domestic help, though relevant, cannot form the sole basis for quashing when there exists a direct allegation by the complainant supported by *prima facie* medical evidence.

10. Furthermore, the argument that the offence under Section 115 of BNS is not made out, is also premature. Whether the act was done with the requisite *mens rea* or falls short of the ingredients of the alleged offence will necessarily have to be determined during the trial upon examination of the factual matrix in totality.

11. It is a settled position of law, as reiterated in ***State of Haryana and others Versus Bhajan Lal SCR 1990 Supp. 3.*** and later in ***M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra & others' 2021 AIR (SC) 1918***, that FIR should not be quashed merely on the basis of an alternative version or defence, unless it clearly falls within the well-demarcated categories laid down by the Hon'ble Supreme Court for exercising such jurisdiction. The instant case does not fall within any such exception.

12. In view of the above discussion and considering the totality of the facts and circumstances, this Court finds no ground to invoke its inherent jurisdiction for quashing of the FIR at this nascent stage. The

petitioner shall, however, be at liberty to raise all her pleas before the trial Court at the appropriate stage.

13. The petition stands dismissed.

14. 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.

July 8th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes