



CRM-M-44820-2025

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

CRM-M-44820-2025

Date of decision: 20.08.2025

Akwinder Kaur

...Petitioner

V/s

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Arshpreet Khadial, Advocate for the petitioner.

Mr. Gurpartap S. Bhullar, AAG Punjab.

Mr. A.S. Grewal, Advocate for the complainant

SUMEET GOEL, J.

1. The present petition has been preferred by the accused – Akwinder Kaur, under Section 528 of Bhartiya Nyaya Surksha Sanhita (BNSS) for quashing of FIR No.91 dated 11.05.2025 (hereinafter to be referred as the impugned FIR) registered under Sections 103, 109, 115(2), 61(2), 3(5) of BNS, 2023 at Police Station Talwandi Sabo, Bathinda and the DDR No.41 dated 15.05.2025 registered at Police Station Talwandi Sabo, District Bathinda and all consequential proceedings arising therefrom.

2. The gravamen of the impugned FIR is that the complainant namely Sukhwinder Kaur, wife of Davinder Singh, resident of Talwandi Sabo, alleges that her family owns agricultural land in village Gurusar and her father-in-law had transferred most of the land to her sons namely Amninder Singh and Gushvinder Singh while 05 acres of land remained in the name of her husband. She alleged that her son namely Amninder Singh had been cultivating more land than his share despite repeated requests by them for proper demarcation. On 10.05.2025, at about 06:00 PM, while the



complainant alongwith her husband were visiting their fields, they saw a tractor levelling the land. On this, the husband of the complainant objected to it that the land in dispute was unsettled. Immediately, the son of the complainant namely Amninder Singh, who is armed with a spade, alongwith other co-accused namely Tarlok Singh and his grandson, namely Haimli, both armed with sharp edged weapons, attacked the husband of the complainant. Accused namely Amninder Singh struck on the head of the husband of the complainant with a spade and the other co-accused inflicted blows on his stomach. On raising hue and cry, all the accused fled from the scene of occurrence. The injured was taken first to SDH, Talwandi Sabo, then referred to AIIMS, Bathinda where he received the treatment. Furthermore, it was alleged by the complainant that the motive behind the attack is unlawful cultivation of the excess land by accused Amninder Singh. Based on these set of allegations, the impugned FIR was got registered. However, during the course of investigation, the injured-accused succumbed to his injuries and the complainant, vide DDR No.41 dated 15.05.2025 registered at Police Station Talwandi Sabo, District Bathinda, recorded her statement to the effect that her son namely Amninder Singh, at the instigation of his wife namely Akwinder Kaur (petitioner herein) had committed the murder of her husband namely Davinder Singh. The complainant has further alleged that this act was being carried out in connivance with the relatives of accused Akwinder Kaur (petitioner herein), who together with her assaulted the injured-deceased and inflicted fatal injuries with the clear intention of causing his death. It was further alleged by the complainant that her daughter-in-law

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namely Akwinder Kaur, wife of accused Amninder Singh, (petitioner herein) played a vital role in the commission of the crime which led to the death of her husband. Accordingly, the complainant had requested that the accused Akwinder Kaur be formally named in the case and strict legal action be initiated against her.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question only on account of the pressure mounted by the complainant party. Learned counsel has further iterated that the petitioner was in the final stages of pregnancy at the time of occurrence and later delivered twins on 08.06.2025, which demonstrates her inability to participate in the commission of crime or to instigate the offence. It has been further iterated that there is no allegation against the petitioner in the entire FIR and she was named only after a delay of 05 days, without any specific role or material which led to the registration of the DDR. Learned counsel has urged that the continuation of proceedings against the petitioner would amount to abuse of process of law and hence no useful purpose would likely be served by allowing the criminal prosecution to continue against the petitioner. On the strength of the aforesaid submissions, the grant of instant petition is entreated for.

4. *Per contra*, learned State counsel as also learned counsel appearing for the complainant submit that the petitioner has been rightly nominated as an accused on the basis of the supplementary statement, which specifically attributes to her the role of instigation. According to them, the delay in naming the petitioner cannot be held fatal, as supplementary statements form an integral part of the investigation and are permissible in



law. Furthermore, it is argued by learned counsel that the pregnancy does not absolve a person from the criminal liability, particularly where the allegation pertains to instigation, which does not require physical presence at the scene of occurrence. It is further iterated that, at this stage, the material collected during investigation *prima facie* discloses the involvement of the petitioner and the same can only be adjudicated upon evidence being adduced during trial. They have, thus, prayed for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the record.

6. At this stage, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court titled as ***State of Haryana and others vs. Ch. Bhajan Lal and others. 1992 AIR Supreme Court 604***, relevant whereof reads thus:

"107. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of Jaw enunciated by this Court in a series of decisions relating to the exercise of the extra-ordinary 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 FIR 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.”*

6.1. Still further, the Hon’ble Supreme Court in a judgment titled as ***M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others AIR 2021 SC 1918***, has held as under:

“23. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or "no coercive steps to be adopted", during the pendency of the quashing petition under Section 482 Cr.P.C, 1973 and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or "no coercive steps to be adopted" during the investigation or till the



final report/chargesheet is filed under Section 173 Cr.P.C., 1973 while dismissing/disposing of/not entertaining/ not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India, our final conclusions are as under:

- 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 a cognizable offence;*
- ii) Courts would not thwart any investigation into the cognizable offences;*
- iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;*
- iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare cases (not to be confused with the formation in the context of death penalty).*
- 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 rather 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 and one ought not to tread over the other sphere;*
- 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 encyclopaedia 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. 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., 1973 is very wide, but conferment of wide power requires the court to be more 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;

xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., 1973 only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR.

xvi) The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 Cr.P.C., 1973 and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or "no coercive steps to be adopted" and the



accused should be relegated to apply for anticipatory bail under Section 438 Cr.P.C., 1973 before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or "no coercive steps" either during the investigation or till the investigation is completed and/or till the final report/chargesheet is filed under Section 173 Cr.P.C., 1973 while dismissing/disposing of the quashing petition under Section 482 Cr.P.C., 1973 and/or under Article 226 of the Constitution of India.

xvii) Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C., 1973 and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order.

xviii) Whenever an interim order is passed by the High Court of "no coercive steps to be adopted" within the aforesaid parameters, the High Court must clarify what does it mean by "no coercive steps to be adopted" as the term "no coercive steps to be adopted" can be said to be too vague and/or broad which can be misunderstood and/or misapplied."

6.2. More recently, the Hon'ble Supreme Court in a judgment titled as ***Mahmood Ali & Ors. Vs. State of U.P. and Ors., 2023 AIR Supreme Court 3709*** has held as under:

"12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed



against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

7. Indubitably, the wide plenary powers of this Court under its inherent jurisdiction are saved by virtue of Section 528 BNSS, 2023, which except for self-imposed restrain(s), are not bound by any restriction or limitation. However, the wider the powers are, more is the duty upon the Courts to invoke extraordinary inherent jurisdiction with utmost circumspection and care. It is the statutory right as well as the duty of the Police to investigate into a cognizable offence. *Ergo*, where the allegations, *prima facie*, disclose the commission of cognizable offence, this Court must act with deference while considering a plea for quashing of the FIR. It is not *apropos* for this Court to embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations, particularly, when the case is at



the stage of investigation, *lest*, it may tantamount to usurping the jurisdiction of an authority, statutorily vested with the powers to conduct investigation. Save in exceptional cases, where the conduct of investigation itself is a miscarriage of justice, such as where allegations, *prima facie*, do not disclose commission of a cognizable offence, interference by this Court, under the inherent jurisdiction is justified.

8. The allegations against the petitioner are of serious and grave in nature. The FIR discloses a brutal attack on the husband of the complainant with the intention to kill, arising out of a land dispute. Though the petitioner was not initially named in the FIR but her alleged role of instigation has been specifically mentioned in the supplementary statement recorded during the course of investigation vide DDR *ibid*. The law is well settled that an FIR is not an encyclopedia of facts and the investigating agency is empowered to record further statements and array additional accused if sufficient material emerges during investigation. The delay of 05 days in recording such statement, by itself, cannot be a ground to quash proceedings at the threshold.

9. The contention of the petitioner regarding pregnancy also does not merit acceptance. The allegation against the petitioner is not of direct assault, but of instigation. It is trite law that abetment or conspiracy can be established even without physical presence at the scene of occurrence. In the considered opinion of this Court, these are matters of evidence, which require appreciation during the course of trial and not at the stage of quashing. In the present case, the supplementary statement specifically attributes instigation to the petitioner, which, if proved, would attract



liability under the law. At this stage, this Court cannot undertake a mini-trial to test the veracity of such statement(s). Moreover, the issues raised on behalf of the petitioner in the instant quashing petition are essentially questions of fact which can be adjudicated upon after due investigation and appraisal of evidence and, thus, the present petition is pre-mature. Keeping in view the entirety of the facts and circumstances of the present case, this Court is of the considered view that no case for quashing of instant FIR is made out.

10. As an upshot of above-said rumination, it is directed as follows:
- (i) The petition; seeking quashing of FIR No.91 dated 11.05.2025 registered under Sections 103, 109, 115(2), 61(2), 3(5) of BNS, 2023 at Police Station Talwandi Sabo, Bathinda as also the DDR No.41 dated 15.05.2025 registered at Police Station Talwandi Sabo, District Bathinda and all consequential proceedings arising therefrom; is dismissed.
 - (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on the merits of the case and the trial Court shall proceed further, in accordance with law, without being influenced with this order.
 - (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

August 20, 2025
Ajay

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