



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

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**CRM-M-47151-2025
Date of decision: 28.08.2025**

KHATIJA

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Mohd. Salim, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 528 of BNSS, 2023 for issuing directions to the respondents to hand over investigation of case FIR No. 0086 dated 03.08.2025 registered under Sections 140(3), 191(3), 190, 115(2) of the BNS, 2023 at Police Station Mehtiana, District Hoshiarpur.

2. Learned Counsel appearing on behalf of the petitioner has emphatically argued that the aforesaid FIR has been fabricated against the 11 persons including the husband of the petitioner in a misuse of process of law. She further contends that both the parties belonged to Gujjar Muslim Community. He submits that there is a tendency in the community to fight with each other on small matters and submit complaints without any

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evidence. The FIR has been lodged under similar circumstances against 11 persons and thereafter the FIRs culminate into a settlement over a period of time. It is said that more than 100 FIRs have been registered in different parts of the State of Punjab by the Gujjar community and almost all had been compromised later on after monetary claims. He contends that in view of the aforesaid social & cultural background and the large scale settlement of similar FIRs, the present FIR which is in the practice and being followed by the Gujjar Muslim community pertaining to false implication, in the State of Punjab, and entering into the settlements after taking huge money. He contends that a representation with respect to the false FIR had been submitted by her to the respondent-authorities, however, the same is not being duly inquired into. He further contends that the police officials instead are harassing the petitioner and they misbehaved with her on 12.08.2025 and that they were not even accompanied by a lady police person. They also took away the motorcycle marked as Bajaj company bearing registration No. PB10FU2548 and they also misbehaved with the minor children of the petitioner.

3. Counsel for the petitioner has been heard at length and the documents have also been perused.

4. The parameters prescribed for a transfer of the investigation are not made out from the consideration of the entire petition on the documents appended.

5. Merely because there is a rank tendency amongst a specific community to enter into a settlement after getting an FIR registered cannot



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be a ground to pre-judge that the instant complaint is also false and frivolous. Besides, the petitioner even contends that there was a harassment, however, the nature of harassment has not been specified and there is no medico legal report which would substantiate that the minor children of the petitioner were in any case manhandled by the investigating agency.

6. An accused/suspect cannot be permitted to steer the investigation of a case. It is a common practice and being currently adopted that the accused often resort to levelling allegations of the investigation being conducted unfairly only to pressurize the investigating agency. The FIR in the present case has been registered only on 03.08.2025 and it is too early even to *prima facie* form any opinion for any investigating officer.

7. I don't find any substantial legal ground to direct for change of the investigation to some other agency as neither any motive nor any circumstance referring to any bias or partiality on the part of the investigating agency is made out. In the event of the case being finally found to have been falsely registered by the complainant, the petitioner would always have the remedy to prosecute the said complainant as per law.

The present writ petition is hence **dismissed**.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 28, 2025
Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No