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

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Date of decision 27.11.2025

PARVEEN AND ANOTHER

..... PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Mohit Rathee, Advocate
for the petitioners.

SURYA PARTAP SINGH. J.

1. By invoking the extra-ordinary jurisdiction vested in this Court by virtue of Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred as “BNSS”, the present petition has been filed by the petitioners for quashing of FIR No.139 dated 10.04.2025, under Sections 3(5), 303 BNS, 2023, Police Station Sadar, District Sonipat.

2. In nut-shell the facts emerging from record are that the above-mentioned FIR has been lodged at the instance of Vikas son of Baljeet, the complainant/respondent No.2 in this petition, hereinafter being referred to as respondent No.2 only. It was stated by the respondent No.2 that his father had purchased a share of Chand Kaur daughter of Nyo Ram in a land situated within the revenue state of village Mavti, District Panipat. According to respondent No.2 the sale deed of the above-mentioned land was duly executed in their



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names and that they had cultivated wheat crop in the above-mentioned piece of land. The complainant has further alleged that the above-mentioned crop was ready for harvesting and that in the night of 08.04.2025, Naveen son of Bijendra Singh, Bijendra Singh son of Hawa Singh (petitioner No.2), Parveen son of Bijendra Singh (petitioner No.1) and Murti Devi under common conspiracy harvested the above-mentioned crop with the help of combined and thus committed theft of the crop of the respondent No.2.

3. The present petition has been filed on the ground that the FIR has been lodged by the respondent No.2 on the basis of false ground and that in fact the land in question belongs to the petitioners and that they have not committed any theft as alleged in the FIR. According to petitioners being owner/co-sharers of the property, they were in cultivating possession of the above-mentioned parcel of land and that they had cultivated the above-mentioned crop in the land and therefore, they had a right to harvest the same. While alleging that neither the respondent No.2 was in possession of the above-mentioned piece of land nor he had cultivated any crop therein, the petitioners have alleged that the above-mentioned FIR is nothing but an abuse of process of law and therefore, the same deserves to be quashed.

4. Notice of motion.

5. Since advance notice has already been served upon the State, Mr. Parveen Kumar Aggarwal, Addl. A.G, Haryana, accepts notice on behalf of respondent-State, and waives service. He has not opted to file reply to the petition. He has chosen to oppose the petition orally.

6. Heard.



7. It has been contended by learned counsel for the petitioners that the allegations contained in the complaint are false, frivolous and nothing but a bundle of lies. According to learned counsel for the petitioners, the petitioners are in possession of the above-mentioned piece of land for the last more than 50 years and that although the land purchased by the father of respondent No.2 is part of the same Khewat, but the same is situated somewhere else. According to learned counsel for the petitioners, the petitioners, the respondent No.2 and many other co-sharers are joint owner of a big parcel of land and that partition of the same has never taken place by meets and bonds. As per petitioners they being in settled possession of the same, the respondent No.2 cannot claim that the crop belonged to him.

8. The learned counsel for the petitioners has also contended that with regard to above-mentioned piece of land already a Civil Suit is pending in the Court of learned Civil Judge (Jr. Divn.), Sonapat and that in the above-mentioned case even injunction order has been passed. While claiming that the filing of FIR against the petitioners is an abuse of process of law, the learned counsel for the petitioners has contended that in view of law laid down by Hon'ble Supreme Court in the case of ***Usha Chakraborty & Anr. Vs. State of West Bengal & Anr. Criminal Appeal No.256 of 2022***, the present petition deserves to be allowed and the FIR in question deserves to be quashed.

9. *Per contra*, the learned State counsel has argued that the entire plea taken by the petitioners depends upon the appreciation of law to be led by the parties during the course of trial and that for that purpose only, the trial is being conducted pursuant to above-mentioned FIR. According to learned State



counsel in the petition seeking for quashing of FIR, the appreciation of evidence is not permitted and thus, the present petition is devoid of merit.

10. The record has been perused carefully.

11. In the present case, at the very outset, it is pertinent to mention here that even if the allegations contained in the petition are accepted to be true on their face value, it leads to a situation, wherein this claim of the petitioners is to be adjudicated upon as to whether on 08.04.2025, when the alleged incident took place, the disputed land was in possession of petitioners or the family of respondent No.2. In order to establish above-mentioned facts not only the prosecution but also the petitioners, being accused, will be having opportunity to lead evidence. Once the evidence is on record, only then it can be determined as to whether on the fateful day, the respondent No.2 was in possession of disputed property or not.

12. Here it shall not be out of place to mention that in the present case the only component which is the deciding factor with regard to maintainability of the prosecution, with regard to theft of crop, is the possession of the parties. If the respondent No.2 is found to be in possession of the above mentioned piece of land on the fateful day definitely the offence under Section 3(5) and 303 BNS is made out, but if the things are otherwise the stand of the petitioners has to be upheld and they cannot be held guilty of committing theft in their own property.

13. Since for the determination of above-mentioned component appreciation of evidence to be led during the course of trial is necessary, I hold that at this stage without appreciation of evidence it cannot be held that filing of FIR by the respondent No.2 is an abuse of process of law.



14. As far as the civil litigation referred to by learned counsel for the petitioners is concerned, in my considered opinion the above-mentioned order is with regard to interim injunction only and not a final decree in favour of petitioners. Thus, it is hereby held that at this stage, this plea of the petitioners is not sustainable that they are in possession of the disputed property and therefore not liable to face trial for the commission of offence for which the FIR has been lodged.

15. With regard to parameters for quashing of FIR the relevant laws has been laid down by the Hon'ble Supreme Court of India in the case of **Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others, rendered in Criminal Appeal No.330 of 2021**, has prescribed the guidelines wherein the FIR can be quashed. These principles are that:-

- 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. 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 and Bhajan Lal, 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., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is 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. 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. 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., while dismissing/disposing of the quashing petition under Section 482 Cr.P.C. 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. 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.

16. In the case of ‘*State of Haryana Vs. Bhajan Lal & Ors.*’, 1992 *SCC (Cri) 426*, the Hon’ble Supreme Court of India after reviewing large number of cases on the question of quashing of FIR has prescribed the guidelines wherein the FIR can be quashed. These principles are;-

- i) 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.
- ii) 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.

- iii) 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.
- iv) 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.
- v) 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.
- vi) 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.
- vii) 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.

17. Similarly in the case of ***Sadiq B. Hanchinmani Vs. State of Karnataka, 2025 INSC 1282***, the Hon'ble Supreme Court of India has ruled that police investigation should be allowed to proceed unless exceptional circumstances warrant intervention. According to Hon'ble Supreme Court of



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India the High Court should not interfere with the investigation when allegations in FIR disclose cognizable offences.

18. In the case of *M/s Balaji Traders Vs. The State of U.P. & Anr. 2025 INSC 806*, the Hon'ble Supreme Court of India has ruled that jurisdiction of quashing of FIR should be exercised sparingly in the 'rarest of rare cases'. As per Hon'ble Supreme Court of India allegations in FIR or complaint must be taken at face value and accepted in their entirety to assess whether they disclose a cognizable offence.

19. In the case of *Muskan Vs. Ishaan Khan (Sataniya) Criminal 2025 INSC 1287*, the Hon'ble Supreme Court of India held that the Court should not conduct a mini-trial at the stage of quashing and that quashing of FIR should be an exception and exercised sparingly in rarest of rare cases. The Hon'ble Supreme Court of India has further held that Courts cannot embark upon an enquiry as to the reliability or genuineness of allegations made in the FIR/complaint.

20. Taking into consideration the above-mentioned relevant law and the factual matrix of the present case, I hold that at this stage, it cannot be determined as to whether the FIR has been lodged by the respondent No.2 on false ground or not. The above-mentioned question can be answered after conducting trial only and therefore, I hold that the present petition is devoid of merits and deserves dismissal. The same is hereby dismissed accordingly.

(SURYA PARTAP SINGH)
JUDGE

27.11.2025

<i>vipin</i>	Whether speaking/reasoned :	Yes
	Whether Reportable :	No