



CRM-M-60499-2025

-1-

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

02

CRM-M-60499-2025

Reserved on 02.12.2025

Pronounced on: 09.12.2025

GURRAJ SINGH AND ANOTHER

..... PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Surjit Singh Swaich, Advocate &
Ms. Navjot Kaur, Advocate
for the petitioners.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

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.270 dated 19.12.2024, under Sections 115(2), 118(1), 126(2), 191(3), 190, 296, 238, 329 [Sections 238 and 329 added later on] of the Bharatiya Nyaya Sanhita, 2023, Police Station Balongi, District S.A.S. Nagar (Mohali).

2. In nut-shell the facts emerging from record are that the above-mentioned FIR came into being on the statement of Asha Devi wife of Satish Kumar. It was stated by the above-named complainant that on 17.12.2024, she



had visited her nephew namely Pardeep Sharma, who lived in house No.2431, Sector-123, New Sunny Enclave Kharar, District Mohali. According to complainant her nephew had purchased another plot, i.e. plot No.3118 situated near his existing house and he was raising construction thereupon which had already reached to foundation level. According to complainant on 18.12.2024 in the morning she alongwith his nephew and his wife Shashi Rani had gone to the above-mentioned plot, where the construction was in progress.

3. It was further alleged by the complainant that at about 10:00 A.M., 8-9 unknown persons came there and started hurling filthy abuses to them, when they were at from a distance, followed by an attack upon them with the help of brickbats. According to complainant one of the above-mentioned assailants was armed with a spade and others with sticks. As per complainant when she, her nephew and her nephew's wife tried to run away from the spot to save themselves, they were surrounded by the above-named assailants and an assault was launched upon them. According to complainant in the above-mentioned assault, she had suffered injuries on her head and left arm with the help of sharp object.

4. The complainant further stated that in her endeavour to run away from the spot to save herself from the clutches of assailants, she fell down and thereafter, the assailants targeted her nephew, his wife and the labour working on the spot. The complainant further submitted that they had screamed for help and thereafter, assailants fled from the spot. According to complainant, thereafter, she was got admitted in the hospital by a friend of her nephew and that the names of the persons, who had launched attack upon them were Gururaj



Singh son of Sucha Singh carrying a spade and Sucha Singh carrying the sharp object.

5. It is the case of the prosecution that in view of above-mentioned statement formal FIR of this case was lodged and the investigation taken up.

6. The present petition has been filed by the petitioners against whom there are allegations that they were instrumental in inflicting injuries on the person of complainant with the help of spade and sharp edged object.

7. Heard.

8. It has been contended on behalf of the petitioners that the petitioners are innocent, who have not committed any offence. According to learned counsel for the petitioners in fact no incident, as narrated by the complainant, had ever taken place and that with an intention to pressurize the petitioners to partways with their landed property, a false case has been planted upon the petitioners with the help of complainant. It has been further contended by learned counsel for the petitioners that in fact the piece of land, where the construction by the nephew of complainant was being raised belonged to the petitioners, and that on the basis of some forged documents a developer namely 'M/s Bajwa Developers Pvt. Ltd.' had staked claim over the above-mentioned piece of land by showing it as plot No.3118. According to learned counsel for the petitioners the above-mentioned developer had gone to the extent that he forged the signature of petitioner No.2 on document projected to have been issued by the petitioners as a consent for issuing licence in favour of above-named developer. The learned counsel for the petitioners has further contended that when the petitioners came to know about the above-mentioned forgery, they immediately filed a complaint before the police and as a consequence of



above-mentioned FIR, the Head of 'M/s Bajwa Developers Pvt. Ltd.' is in judicial custody.

9. In addition to above, the learned counsel for the petitioners has also contended that with regard to above-mentioned piece of land even a civil suit has been filed by the petitioner No.2, and in the above-mentioned civil suit, the learned Court has issued an injunction order, but despite injunction order passed by the learned Court the nephew of complainant tried to raise construction thereupon. As per learned counsel for the petitioners with regard to above-mentioned violation of order of the Court, the petition has already been moved before the Court.

10. While banking upon the above-mentioned facts and circumstances of the case, the learned counsel for the petitioners has argued that the FIR in question has been lodged on the basis of non-existent, false and imaginary grounds, and that no injury, whatsoever, was ever inflicted by the petitioners upon the person of complainant and that in connivance with police officials a false case has been planted against them. By claiming that the above-mentioned FIR is nothing but an abuse of process of law, the learned counsel for the petitioners has urged for the exercise of extra-ordinary jurisdiction vested in this Court and quash of FIR.

11. *Per contra*, the learned State counsel has contended that the FIR in this question has been lodged at the instance of complainant, who had suffered injuries in the incident, and that the testimony of complainant Smt. Asha Devi with regard to injury suffered by her are duly supported and corroborated by the medical evidence. It has also been contended by learned State counsel that even if the contention of petitioners qua the fact that they are owner of the above-said



piece of land, wherein construction was being raised, or that an order passed by Civil Court was in favour of the petitioners, even then it did not mean that the petitioners had got a right to inflict injuries on the person of Asha Devi, the complainant. According to learned State counsel even if the stand of petitioners with regard to violation of injunction order passed by the Court is accepted to be true on its face value, the petitioners had got no licence to inflict injury on the person of complainant. While claiming that there is no scope for exercise of extra-ordinary jurisdiction in the instant case, it has been contended by learned State counsel that the present petition is devoid of merit and deserves dismissal.

12. The record has been perused carefully.

13. A careful perusal of record shows that in the present case the sole ground taken by the petitioners is that they are owner of the property, where the construction was being raised by the nephew of complainant, and that in violation of order passed by the Court the complainant and her nephew were raising construction over the above-mentioned property. For the sake of arguments, even if the above-mentioned stand of the petitioners is taken to be true, a perusal of FIR shows that allegations against the petitioners are with regard to causing of injury with the help of sharp edged weapon on the body of complainant. The above-mentioned allegations being related to a hurt case, it is hereby held that the dispute with regard to ownership of the plot in question has nothing to do with the commission of alleged offence, and in my opinion the order passed by the Court in the Civil Suit with regard to injunction has no bearing on the present case.

14. 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.

15. 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.

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

17. 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.

18. 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



CRM-M-60499-2025

-11-

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.

19. In the light of above-mentioned principles of law by any stretch of imagination the factual matrix of the case does not lead to a conclusion, that filing of FIR in this case is an abuse of process of law. Thus, in my opinion, there is no scope for exercise of extra-ordinary jurisdiction of this Court in the impugned order.

20. As a sequel to above-mentioned observations, it is hereby held that the present petition is devoid of merit and deserves dismissal. The same is hereby dismissed according.

(SURYA PARTAP SINGH)
JUDGE

09.12.2025

vipin Whether speaking/reasoned : Yes
Whether Reportable : No