

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

Sr. No.: 138

Criminal Miscellaneous No.M-56734 of 2025**Date of Decision: October 14, 2025**Satya Devi @ Satya Devi Shaida & another

..... PETITIONER(S)

*VERSUS*State of Punjab & another

..... RESPONDENT(S)

CORAM: **HON'BLE MR. JUSTICE SUBHAS MEHLA****PRESENT:** - Mr. Suvir Sidhu, Advocate, with Mr. Kartik Gandhi, Advocate, for the petitioners.

Mr. Subhash Godara, Additional Advocate General, Punjab.

Mr. Pankaj Bains, Advocate, for respondent No.2-complainant.

SUBHAS MEHLA, J

The present petition has been filed for quashing FIR No.0180 dated 04.10.2025 under Sections 333, 126(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station, City Rampura, District Bathinda alongwith consequential proceedings.

2. Allegations against the petitioners are that they have installed a temporary gate in the street adjoining their ancestral house during the night of 17th/18th of May 2025, thereby obstructing complainant's ingress/egress to his house and encroaching upon the common passage.

3. Learned counsel for the petitioners has contended that the FIR has been lodged at the instance of respondent No.2-complainant merely to settle a private property dispute which is already pending adjudication before civil courts; there is no allegation of assault, trespass or intimidation against the petitioners. On the same facts, earlier an FIR No.09 dated 20.01.2022 was registered under Sections 120-B, 465, 471, 448, 511, 420 IPC and Section 82

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of the Registration Act, 1908, Police Station, City Rampura, Bathinda. The petitioners challenged the aforesaid FIR by filing CRM-M-54796 of 2025 before this Court, wherein vide order dated 26.09.2025, notice of motion has been issued and the trial Court has been directed to adjourn the case beyond the date fixed before this Court. Now, just after eight days, the present FIR has been registered against the petitioners on the same grounds.

4. Learned State counsel assisted by counsel for the complainant has submitted that the present FIR is at initial stage of investigation; and there is another FIR pending against the petitioners and the proceedings regarding that FIR are subjudice, and interference at this stage would hamper the interest of justice.

5. Heard.

6. The issue pertains to the passage adjoining property No.B-31/27 which is petitioner's ancestral house. Admittedly, the petitioners installed a temporary gate on the passage which has been disputed by the complainant-respondent claiming it to be a common passage, obstructing his access. It is also not disputed that on the same grounds, civil disputes and another FIR are also pending adjudication. Earlier FIR was registered under Sections 120-B, 465, 471, 448, 511, 420 IPC and Section 82 of the Registration Act, 1908, whereas the present FIR has been registered under Sections 333. 126(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 which is at initial stage.

7. It is well settled that the power under Section 528 of BNSS is to be exercised sparingly and in the rarest of rare cases. In **State of Haryana v. Bhajan Lal** 1992 *Supp (1) SCC 335*, the Hon'ble Supreme Court laid down



illustrative categories where quashing may be justified but cautioned that such jurisdiction cannot be exercised to stifle legitimate prosecution. Similarly, in **Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (2021) 19 SCC 401**, it has been reiterated that the High Court should not embark upon appreciation of evidence at this stage, and quashing is impermissible where the FIR discloses a prima facie cognizable offence.

8. Thus, the jurisdiction under Section 528 of BNSS cannot be exercised in this case where there are disputed facts which can be adjudicated at appropriate stage after leading evidence and giving opportunity of hearing to both the parties.

9. In view of the above discussion, this Court finds no merit in the present petition. Hence the same is hereby dismissed.

(SUBHAS MEHLA)
JUDGE

October 14, 2025
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No