



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.59026 of 2025 (O&M)
Date of Decision :08.12.2025

Ajay Kumar and others

.....Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 118(2), 115(2), 191(3), 190, 126(2) and 324(4), the FIR No.7 dated 06.02.2025, has been lodged in Police Station Sekhwan District Batala. The petitioners have been implicated as accused and they are being prosecuted for the commission of above mentioned offence. Petitioners are aggrieved of their prosecution vide above mentioned FIR, and therefore, they have filed this petition for quashing of FIR.

2. In nut-shell the facts projected by the petitioners vide this petition are that marriage of 'Saranjeet Kaur' was solemnized with 'Sandeep Singh' on 27.08.2023 and that soon after the marriage differences cropped up between 'Saranjeet Kaur' and 'Sandeep' because of cruelty to which 'Saranjeet Kaur' was subjected to by her in-laws, the FIR No.121 dated 24.12.2024 was lodged in Police Sation Sadar Gurdasspur, for the commission of offence under



Sections 498-A and 406 IPC.

3. It has been further alleged by the petitioners that prior to above mentioned FIR number of counselling sessions had taken place between the family members of both sides and that one of said sessions had taken place on 26.09.2024 in Women Cell, Gurdaspur. According to petitioners, after the above mentioned sessions when cousin brother of 'Sharanjeet Kaur' namely 'Sahib Singh' and other family members were talking to each other 'Sandeep Singh' his father 'Amarjit Singh', 'Amrik Singh' and 'Gurpreet Singh' assaulted 'Sahib Singh' and others, and inflicted injuries on their person. According to petitioners although with regard to above mentioned incident the statement of injured 'Sahib Singh' was recorded on 28.09.2024, itself, but no FIR was lodged by the police till 14.02.2025, when the FIR No.25 was lodged.

4. It is the allegation of the petitioners that opposite party has strong political links and that in collusion with police officials a false case has been lodged by the complainant against the petitioners with regard to the incident dated 26.09.2024. It has been claimed by the petitioners that with regard to an incident which had allegedly taken place at 4.00 P.M on 26.09.2024, a false story has been cooked up by the complainant with regard to assault by the petitioners upon the complainant. As per petitioners, the above mentioned FIR being an outcome of false narration of facts, deserves to be quashed.

5. Notice of motion.

6. Since advance notice has already been served, Mr. Eklavya Darshi, DAG, Punjab, appears on behalf of respondent-State, and waives service. He has not opted to file reply in writing. However he has orally



opposed the present petition.

7. Heard.

8. It has been contended by learned counsel for the petitioners that the FIR lodged against the petitioners is nothing but a sheer misuse of authority by the police officials, and that petitioners who are victim of violence by the complainant and his other family members have been wrongly prosecuted by virtue of FIR in question. According to learned counsel for the petitioners, the falsity of the allegations against the petitioners can be gazed from the fact that on 26.09.2024 at about 4.00 P.M. when the alleged incident, with the complainant, had taken place at Gurdaspur, all the petitioners were present at a distance of 30 kilometers from the place of occurrence, i.e at Batala. While referring to the tower locations of the mobile phones of the petitioners it has been claimed by learned counsel for the petitioners that an altogether false story has been set-out by the prosecution.

9. According to learned counsel for the petitioners as a counter blast and in order to pressurize the petitioners, not to pursue their own complaint, the above mentioned FIR has been lodged and the bias attitude of the police officials is reflected from the fact that despite recording of statement of petitioners party on 28.09.2024 the FIR was lodged on 14.02.2025. As per petitioners, on the other hand, after due deliberations when the statement of complainant was recorded on 06.02.2025, on the same day FIR, impugned in the present petition, was lodged. While claiming that petitioners are innocent who are being subjected to harassment due to filing of false FIR the quashing of same has been prayed for.



10. It has also been contended by learned counsel for the petitioners that during the course of investigation also no cogent and reliable evidence has been collected by the Investigating agency, and therefore, the FIR in question, and the subsequent prosecution of petitioners, is nothing but an abuse of process of law. While referring to the principles of law laid down by the Hon'ble Supreme Court of India in the cases of 'State of Haryana Vs. Bhajan Lal, 1992 Suppl. (1) SCC 335', 'R.P.Kapoor Vs. State of Punjab AIR 1960 Supreme Court 866' and 'Gian Singh VS. State of Punjab (2012) 10 Supreme Court Cases 303', the learned counsel for the petitioners has sought for quashing of present FIR.

11. The learned State counsel has controverted the above mentioned arguments. It has been contended by learned State counsel that all the allegations contained in the present petition are the narration of incident by the petitioners from their own angle, and that in order to adjudicate as to whether the narrative, projected by the petitioners is true or of the complainant, the appreciation of evidence is necessary. As per learned State counsel, for that purpose only the trial is conducted. The learned State counsel has further contended that at this stage, the version set-out by the petitioners cannot be believed without evidence, and therefore, the present petition is not sustainable.

12. In support of his argument, the leaned State counsel has referred to the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others 2021 SCC Online SC 315".



13. The record has been perused carefully.

14. Before advertng to the merits of the case it is relevant to mention here that the guiding principles, wherein extraordinary jurisdiction for quashing of FIR can be exercised, has been laid down by the Hon'ble Supreme Court of India in the case of 'Neeharika Infrastructure Pvt. Ltd. (supra)'. Those guidelines 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 encyclopedia 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 (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., 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 addition to above, in the case of ‘Bhajan Lal (supra)’, the Hon’ble Supreme Court of India after reviewing large number of cases on the question of quashing of FIR has laid down that the FIR can be quashed in the following circumstances:-

- a) 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.
- b) 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.

- c) 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.
- d) 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.
- e) Where the allegations made in the F.I.R. 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.
- f) 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.
- g) 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', Criminal Appeal No.4728 of 2025, 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(3) RCR (Criminal) 175', 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 Appeal No.4752 of 2025, 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.

19. If the factual matrix of the present case is examined in the light of

above mentioned principles of law it transpired that the allegations contained in the present petition are with regard to the facts for which evidence is required. Since the petitioners are seeking for quashing of FIR and this Court is not allowed to conduct a mini trial, the pleas taken by the petitioners in their petition cannot be appreciated, at this stage. Thus, it is hereby held that the grounds taken in the present petition does not come within the purview of guidelines prescribed by Hon’ble Apex Court in the above mentioned verdict. In my opinion, there is no scope for quashing of FIR in the present case and the present petition being devoid of merit deserves dismissal. Hence, the same is hereby dismissed, accordingly.

20. Pending miscellaneous application(s), if any, also stands disposed of.

(SURYA PARTAP SINGH)
JUDGE

08.12.2025
Manoj Bhutani

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