

CRM-M-66762-2025 (O&M)

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

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CRM-M-66762-2025 (O&M)

Date of decision : 28.11.2025

Dharminder Singh & Ors.

..... Petitioners

VERSUS

State of Punjab & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

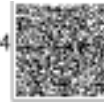
Present : Mr. Vishal Munjal, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG Punjab.

SURYA PARTAP SINGH, J.

1. By invoking the extraordinary jurisdiction vested in this Court by virtue of Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as 'BNSS', the present petition has been filed for quashing of FIR No.18 dated 25.02.2025, under Sections 323, 506, 148, 149, 452, and 201 of Indian Penal Code, Police Station Division No.2, District Pathankot.

2. In nut-shell, the facts emerging from record are that, that at the instance of respondent No.2, who filed a complaint, the abovementioned FIR has been lodged. The pith and substance of abovementioned complaint is that on 20.10.2022, Ajit Sharma (petitioner No.3) armed with datar (sharp-

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edged weapon), Dharminder Singh (petitioner No.1) armed with steel rod and Kishan Singh (petitioner No.2) armed with pistol, Tanish Sharma armed with steel rod, and two other unknown persons had visited his home. According to respondent No.2, they had brutally thrashed him by slapping & kicking, and that they inflicted injuries on his person. According to respondent No.2, his father is an eye-witness to the abovementioned incident.

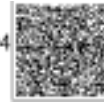
3. In addition to above, the abovementioned complainant had also alleged that on 22.01.2023 at about 03:30 pm, there was an attempt to kidnap him in an Innova car, and that with an intention to kill him, he was assaulted and attempt was made to put some substance in his mouth. According to respondent No.2, Tanish Sharma, Aasha Rani, Shabnam Saini, Dharminder Singh and Ajit Kumar had beaten him up badly.

4. It is the case of the prosecution that in view of abovementioned complaint, formal FIR of this case was lodged and the investigation taken up.

5. **Notice of motion to respondent No.1 only.**

6. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, DAG Punjab accepts notice on behalf of respondent-State, and waives service.

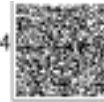
7. Heard.



8. It has been contended on behalf of petitioners that altogether false, imaginary and cooked-up story has been projected by the respondent No.2 before the police, and that neither there is any independent witness to support the abovementioned allegation of the petitioners, nor there is any scientific evidence to prove that any injury on the person of the respondent No.2 was inflicted. According to learned counsel for the petitioners, so much so even the medico-legal examination was got conducted after six days of incident, and that falsity of the allegations contained in the FIR, can be gauged from the fact that there is delay of two years in lodging the FIR, and that at the time of alleged incident the petitioner No.2, who is an old-age person, was taking follow-up treatment after his surgery.

9. The learned counsel for the petitioners has further argued that in fact, there is a matrimonial dispute between the respondent No.2 and his wife, and that in order to pressurize the petitioners, the abovementioned false story has been cooked-up for the prosecution of petitioners. The learned counsel for the petitioners has contended that the abovementioned FIR is nothing but a bundle of lies and an abuse of process of law. Hence, the need for exercising the extraordinary jurisdiction vested in this Court for quashing of FIR.

10. The learned State Counsel has controverted the abovementioned arguments. The learned State Counsel has argued that the scope for the exercise of extraordinary jurisdiction for quashing of FIR is



guided by the well-settled principles, enshrined in the case of *Bhajan Lal (supra)* and *Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others 2021 SCC Online SC 315*. While contending that in a quashing petition, this Court cannot conduct a mini trial, the learned State Counsel has urged for dismissal of present petition.

11. The record has been perused carefully.

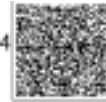
12. In the present case, at the very outset it is pertinent to mention here that basically two grounds have been raised by learned counsel for the petitioner for quashing of DDR:-

a) that there is delay of two years in lodging the FIR; and

b) that the allegations, contained in the FIR, are improbable and false.

13. As far as the first ground is concerned, at the very outset it is pertinent to mention here that the contents of FIR (Annexure P-1) shows that the allegations against the petitioners are for the commission of offence punishable under Sections 323, 506, 148 and 149 of IPC, which shows that even if the FIR has been lodged after a delay of two years of the incident, it was not time barred. As a sequel to the observations in the foregoing paragraphs, it is hereby held that the first ground pleaded by the petitioners does not stand proved in the present case.

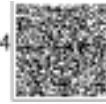
14. With regard to the second ground, it is relevant to mention here that although the allegations contained in the FIR may appear somewhat



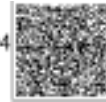
unusual or unnatural, but this aspect alone does not justify the inference that the allegations are entirely false or incapable of being proved in a Court of law. Ultimately, the truth behind the abovementioned allegations will depend upon the quality of the evidence to be led during the course of the trial. At this stage, the law restrains this Court from prejudging the outcome of the trial or conducting a mini-trial. Thus, it is hereby held that on this ground also, the FIR in question cannot be quashed.

15. 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 prescribe that:

- “a) 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;
- b) Courts would not thwart any investigation into the cognizable offences;
- c) 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;
- d) 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).

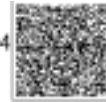


- e) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;
- f) Criminal proceedings ought not to be scuttled at the initial stage;
- g) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- h) 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;
- i) The functions of the judiciary and the police are complementary, not overlapping;
- j) 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;
- k) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- l) 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



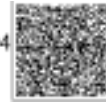
complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

- m) 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;
- n) 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 (supra), has the jurisdiction to quash the FIR/complaint;
- o) 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;
- p) 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



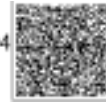
investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or “no coercive steps to be adopted” and the accused should be relegated to apply for anticipatory bail 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;

- q) 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.
- r) 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 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



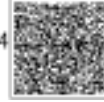
provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

- 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.

17. 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.

18. 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.

19. 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.

20. Thus, it is hereby held that if the principles of law, laid down by the Hon'ble Supreme Court of India in the cases discussed above are applied to the facts and circumstances of the present case, it leads to the conclusion that no ground for the exercise of extraordinary jurisdiction for quashing of FIR in question, is made out.

21. As a sequel to abovementioned observations, it is hereby held that there is no merit in the present case and the same deserves dismissal. Hence, the present petition is hereby ***dismissed***, accordingly.

22. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

28.11.2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No