



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

(129)

**CRM-M-5699-2026
Date of Decision: 06.05.2026**

SONU AND ANOTHER

.....Petitioners

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Maneet Kaushik, Advocate
for the petitioners.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The prayer in the instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') is for quashing of complaint bearing No.COMA-03 of 2022 under Sections 323, 325, 452, 354-B, 376, 307, 166, 218 IPC and Sections 8 & 12 of POCSO Act, P.S. Kundli, District Sonapat (Annexure P-6) along with all the subsequent proceedings arising therefrom including summoning order (Annexure P-8) and charges (Annexure P-9).

2. The translated version of the FIR is reproduced as under:-

“To, the Incharge, Police Post Barota. It is submitted that I xxxx-daughter of Ramesh, am a resident of Bindhroli. On 21.8.2016 at about 3 P.M., I was sweeping outside my house. My parents had taken my sister xxxx to Jatt Joshi for giving her medicines. Our neighbor, Sandeep son of Kala, caste Ironsmith, was passing through the street. He crossed me and asked me to be his friend. I got angry and told him how dare he had said it and that he has not seen my original self. He then and there gave me slaps and fist blows. Thereafter, I came inside my house. At about 5 o'clock regarding the same, elder brother of Sandeep came to our house and said that Sandeep has left me but he shall not leave me. Immediately after



saying this, Sonu also gave me fist and kick blows and a danda blow on my neck. He had brought a rope to hit me. I raised hue and cry 'save-save'. Thereafter, he fled away. My father is a poor person and he plies a rickshaw. I have five sisters. Sd/- xxxx 94164-11xxxx”

3. Status report by way of affidavit of Vipin Ahlawat, HPS, Assistant Commissioner of Police, Rai, District Sonipat has been filed by the State in the registry, which is taken on record.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. The true factual matrix is that initially, the present FIR was registered only under Sections 294, 323 and 452 IPC on allegations of assault. However, subsequently, after examination of PW-1/respondent No.2 wherein the allegations were materially improved, the case was committed to the Court of Sessions, leading to framing of charges under Sections 323, 354-B, 376, 452, 511 IPC and Sections 4 & 18 POCSO Act. It is submitted that the allegations leveled against the petitioners, including the subsequent averment of attempted rape, unsupported by any cogent evidence on record. It is further submitted that a parallel complaint on the same occurrence was instituted only to aggravate the allegations and harass the petitioners, despite the settled principle that no person can be prosecuted twice for the same cause of action. Thus, it is prayed that the instant petition be allowed and the present complaint and all consequential proceedings be quashed.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioners. Learned State counsel, while placing reliance upon the status report, submits that the impugned orders have been passed after due application of mind and on consideration of the material available on record. Upon the application filed



by the prosecutrix under Section 323 Cr.P.C., the case was rightly committed to the Court of Sessions/Special Court, where charges under the relevant provisions of IPC and the POCSO Act were validly framed against the petitioners. It is further submitted that sufficient *prima facie* material exists against the accused, and thus, the learned trial Court has taken cognizance and framed charges in accordance with law. Learned State counsel further contends that the issues raised by the petitioners pertain to appreciation of evidence and credibility of witnesses, which can only be adjudicated during trial. Learned State counsel further submits that even the trial in the present case is at the fag end, since the prosecution evidence already stands concluded, and the case is fixed for defence evidence.

6. Heard learned counsel on either side and perused the judicial record with their able assistance.

7. It is settled law that the Courts must not invoke its extraordinary jurisdiction to quash FIRs as a matter of routine. It is only in exceptional circumstances, where not even a *prima facie* case can be established against the accused person, or that continuing of criminal proceedings would amount to gross miscarriage of justice, that an FIR should be quashed. The Hon'ble Supreme Court in ***State Vs. M. Maridoss & Anr. 2023(4) SCC 338*** held as under:-

"9. Even otherwise, it is a settled position of law that while exercising powers under Section 482, CrPC, the High Court is not required to conduct the mini trial. What is required to be considered at that stage is the nature of accusations and allegations in the FIR and whether the averments/allegations in the FIR prima facie discloses the commission of the cognizable offence or not."



8. With respect to the settled law regarding quashing of criminal proceedings, a gainful reference can also be made to the criteria laid down by the Hon'ble Supreme Court in the judgment passed in ***Pradeep Kumar Kesarwani vs. The State of Uttar Pradesh and Anr., Criminal Appeal No. 3831 of 2025, decided on 02.09.2025.*** The relevant portion thereof reads thus:

“20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:-

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal – proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused. [(See: Rajiv Thapar & Ors. v. Madan Lal Kapoor (Criminal Appeal No. 174 of 2013)).”

9. Reverting to the case at hand, it has been pointed out that prosecution evidence in the instant case already stands concluded and the



matter is presently fixed for defence evidence before the learned trial Court, indicating that the trial is at an advanced stage and nearing conclusion. Be that as it may, it is noted that the FIR itself discloses the existence of serious and specific allegations against the petitioners, which are *prima facie* corroborated by the material on record. Trite to say that the extraordinary powers of this Court to quash the FIR are to be exercised when there is no material to proceed against the petitioner(s) even if the allegations in the Court are *prima facie* accepted as true, which is not so in the present case. The contentions raised by learned counsel for the petitioners regarding alleged contradictions, improvements in the version of the prosecutrix, absence of specific injuries in the medical evidence and falsity of allegations are all matters relating to appreciation of evidence and determination of credibility of witnesses.

10. Accordingly, upon a cumulative circumspection of the material on record, this Court is of the opinion that invoking its powers under Section 528 of BNSS is not warranted in the instant case.

11. Accordingly, the present petition stands dismissed.

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

(KIRTI SINGH)
JUDGE

May 06, 2026
Ritika

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