

2026PHHC03601



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

**CRM-M-6960-2026 (O&M)**  
**Reserved on : 06.02.2026**  
**Pronounced on : 07.03.2026**

Mukesh & Ors.

..... Petitioners

VERSUS

State of Haryana & Anr.

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Argued by : Mr. Arpandeeep Narula, Advocate  
for the petitioners.

Mr. Parveen Kumar Aggarwal, Addl. A.G, Haryana.

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**SURYA PARTAP SINGH, J.**

1. By virtue of present petition, the extraordinary jurisdiction vested in this Court, by virtue of Section 528 of the 'Bharatiya Nagarik Suraksha Sanhita 2023', has been invoked. The petitioners in the present petition have prayed for quashing of FIR No.360 dated 26.09.2025, for the commission of offence punishable under Sections 351(2), 3(5), 117(2) and 115 of the Bharatiya Nyaya Sanhita, 2023 at Police Station Sadar, Sirsa, District Sirsa, Haryana.

2. It has been contended on behalf of petitioners that there was a long standing dispute between the petitioners on one side and respondent No.2 and his family on other side, and that to settle the abovementioned

dispute, once forever, the revenue authorities were requested to conduct a demarcation and with regard to abovementioned demarcation not only the Gram Panchayat, but the public at large, too, were served with notice. According to petitioners, pursuant to abovementioned request, the demarcation was conducted by the revenue authorities on 06.07.2025, and that at the time of demarcation, a large gathering of villagers was present on the spot. The petitioners have further alleged that as a mark of presence of numerous villagers, their signatures were also obtained by the revenue authorities on attendance sheet.

3. It has been further argued by learned counsel for the petitioners that once the demarcation was conducted in accordance with rules, the revenue authorities instructed the petitioner No.1 to fix the pillars and when the pillars were being fixed, in compliance of instructions of Revenue Authorities, the respondent No.2 along with 'Prem Pal' and 'Udham Singh' assaulted the petitioner No.1 with a sword (sharp-edged weapon) and dranti (sickle), respectively. As per learned counsel for the petitioners, the brother of petitioner No.1, namely Rakesh (petitioner No.2 herein), rescued the petitioner No.1 from the clutches of respondent No.2 and his associates, and got him admitted in the hospital.

4. According to learned counsel for the petitioners, in the hospital medico-legal examination of the petitioner No.1 was conducted and on the complaint of the petitioner No.1, the FIR No.255 dated 09.07.2025 was lodged. As per learned counsel for the petitioners, although the FIR was duly recorded by the police, but right from the very beginning the Investigating

Agency has been proceeding in the abovementioned investigation in a biased and partisan manner, and that for a long period of time, despite persuasion by the petitioner No.1, the statement of any eye-witness of the occurrence, who were reported by the petitioner No.1 in the FIR, and were also recorded in the report of revenue authorities, was not recorded by the Investigating Officer. According to petitioners, in the abovementioned circumstances the petitioner No.1 approached the Court of learned Judicial Magistrate for calling of status report and it was revealed that for a long period there was no progress in the investigation.

5. The learned counsel for the petitioners has also contended that once the matter was taken up by the Court and the progress of the investigation was likely to be monitored, by twisting the facts on false and frivolous grounds the Investigating Officer prepared a cancellation report in the case pertaining to FIR No.255 dated 09.07.2025 and after getting the respondent No.2 examined medico-legally, slapped the present FIR with regard to the same incident.

6. It has been further contended by learned counsel for the petitioners that the abovesaid cross FIR lodged by the police authority after a gap of more than two and half months from the date of incident, is nothing but an abuse of process of law and is a live example of inappropriate and discriminatory approach of the Investigating Officer. While claiming that the natural, truthful and reliable evidence has been ignored by the Investigating Officer while dealing with a case pertaining to FIR No.255 dated 09.07.2025, and false evidence has been created to support the contents of

FIR No.360 dated 26.09.2025, the learned counsel for the petitioners has contended that action of the investigating agency is breeding injustice and therefore, he has sought for intervention of this Court. By claiming that the petitioners, despite being victims in the incident, are being subjected to unnecessary harassment and the two victims have been let off by filing cancellation report, the learned counsel for the petitioners have sought for quashing of FIR slapped against the petitioners i.e. FIR No.360 of 2025.

7. **Notice of motion qua respondent No.1.**

8. Since advance notice has already been served upon the State, Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana accepts notice on behalf of respondent-State. Hence service of notice is hereby dispensed with.

9. The record has been perused carefully.

10. As far as the present case is concerned, at the very outset it is relevant to note here that the contents of the petition itself shows that with regard to the same incident, two FIRs have been lodged. One FIR is the FIR No.255 dated 09.07.2025 and the other FIR is FIR No.360 dated 26.09.2025.

11. It is the claim of the petitioners that investigation in both the FIRs have not been conducted in impartial manner, and that the natural, truthful and reliable evidence has been ignored, and that instead of prosecuting the respondent No.2 and other accused, in FIR No.255 dated 09.07.2025, the petitioners have been prosecuted in the cross FIR i.e. FIR No.360 dated 26.09.2025.

12. With regard to abovementioned stand of the petitioners, it is relevant to note here that in the present case this fact can't be ignored that apparently the stand taken by the petitioners, on the face of it, appears to be more convincing. In fact in the given fact situation, this possibility cannot be ruled out that allegations levelled by the petitioners against the Investigating Officer may be true. But in the present case, wherein quashing of FIR No.360 dated 26.09.2025 has been sought, the facts of the case can't be believed merely on the basis of bare allegations of the petitioner, as projected in the present petition. In fact they have to be tested on the touchstone prescribed in various judicial pronouncements by the Hon'ble Supreme Court of India.

13. With regard to scope and indulgence of this Court, wherein extraordinary jurisdiction for quashing of FIR can be exercised, the guiding principles have 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' 2021 SCC Online SC 315. 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, 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.”

14. In addition to above, in the case of ‘State of Haryana Vs. Ch. Bhajan Lal’, 1991(1) RCR 383, the Hon’ble Supreme Court of India after reviewing large number of cases on the question of quashing of FIR has propounded 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.

15. 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.

16. 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.

17. 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.

18. In the light of abovementioned principles of law, if the factual matrix of the present case is analysed, it transpires that with regard to incident dated 06.07.2025, two FIRs have been lodged. As already discussed one is FIR No.255 dated 09.07.2025 and another is FIR No.360 dated 26.09.2025. Although the promptness on the part of petitioners coupled with the immediate medico-legal examination appears to be more natural & convincing, yet, at this stage, merely on the basis of abovementioned factors this conclusion cannot be drawn that the version set-out by the petitioners is the true version of the story and the version set out by the Investigating Agency in the final report filed under Section 173 CrPC pertaining to abovementioned two FIRs is incorrect.

19. The only course available to determine the abovementioned controversy is the adjudication of the trial, wherein the prosecution will be given opportunity to prove its stand by adducing evidence and the accused (petitioner herein) will have opportunity to defend himself. At this stage, merely by considering two factors that cross version was recorded earlier and the medico-legal examination of the injured was conducted immediately after the alleged incident, this inference cannot be drawn that aggressor party in the incident dated 06.07.2025 was the respondent No.1 party and not the petitioners. Thus, without commenting anything on the merit of the case, it is

hereby held that at this stage, it cannot be determine that the filing of cross FIR and the final report under Section 173 CrPC amounts to abuse of process of law.

20. As a sequel to abovementioned observations, it is hereby held that the present petition is devoid of merit and deserves dismissal. Hence the same is hereby **dismissed**, accordingly.

21. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)  
JUDGE

07.03.2026  
*Vinod*

|                             |        |
|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether Reportable          | Yes/No |