



CRM-M-5321-2016 and one more case (O&M)

-1-

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

CRM-M-5321-2016 (O&M)

Reserved on: 22.04.2026

Pronounced on: 27.04.2026

Uploaded on: 28.04.2026

1.

MEHTAB AND ANOTHER

...Petitioner

VERSUS**VEERPAL KAUR AND ANOTHER**

...Respondents

CRM-M-11510-2016 (O&M)

Reserved on: 22.04.2026

Pronounced on: 27.04.2026

Uploaded on: 28.04.2026

2.

CHANDER PARKASH AND OTHERS

...Petitioners

VERSUS**STATE OF HARYANA AND ANOTHER**

....Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Argued by: Mr. R.S. Mamli, Advocate
for the petitioner(s) (in both cases).

Mr. Vikas Bhardwaj, AAG Haryana.

SHALINI SINGH NAGPAL, J. (ORAL)

1. This common order determines two separate petitions detailed above, both seeking quashing of criminal complaint No. 494/2013 dated 31.10.2013 titled *Rajdeep Kaur Vs. Chander Parkash and others* and summoning order dated 16.08.2015.

2. The complaint dated 31.10.2013 was filed by respondent No. 2 under Sections 323/452/354/506/34 Indian Penal Code against the petitioners

**CRM-M-5321-2016 and one more case (O&M)****-2-**

on the allegations that there was a pending property dispute between her family and that of accused No. 1 (Chander Parkash), who was a man of means and good links with the local police. On account of land dispute, accused Chander Parkash was inimical towards the complainant and her family members. On 21.08.2010, accused No. 1-Chander Parkash, in connivance with police personnel abused her and her mother-in-law. He threatened her with dire consequences, if she did not withdraw the cases. In this regard, she made a complaint to Superintendent of Police, Yamuna Nagar on 23.08.2010, but no action was taken, which encouraged Chander Parkash.

3. She further claimed that on 01.09.2010, at about 06.00 PM, when she and her sister-in-law were alone in the house, all the accused, Chander Parkash, Vijay Kumari wife of Chander Parkash, Rimpay son of Chander Parkash, Mehtab and Lachhi Ram reached and started abusing, thrashing her. Accused Chander Parkash was armed with a *Kulhadi*. He attacked her with *Kulhadi* from blunt side but she avoided the blow, which hit her side shoulder. Accused No. 2, Vijay Kumari, wife of accused No. 1 gave a *danda blow* on left arm of her sister-in-law. Accused No. 3-Rimpay son of Chander Parkash and accused No. 4-Mehtab gave a *danda* blows on her left arm and accused No. 5-Lachhi Ram gave *danda* blow on her waist. Accused Chander Parkash and Vijay Kumari caught her and her sister-in-law by their hair and pulled them down. Thereafter, accused No. 1 and 2 had tried to molest the complainant and her sister-in-law and when they raised alarm, Labh Singh and Harbhajan Singh reached the spot to save them from clutches of the accused. While going, the accused threatened to eliminate her and her family members leaving the *kulhadi*

**CRM-M-5321-2016 and one more case (O&M)****-3-**

and *chappals* behind. Complainant and her sister-in-law were medico legally examined. The matter was reported to the police but no action was taken. Complaint was moved to Superintendent of Police, Yamuna Nagar and to other high ranking officers, yet no case was registered. Several times, police approached the complainant to patch up the matter with the accused. After losing all hope, complainant knocked the doors of the Court.

4. In preliminary evidence, complainant examined Harbhajan Singh as CW-1, Dr. Arun Singla as CW-2, Smt. Jasvinder Kaur as CW-3 and Smt. Rajdeep Kaur as CW-4. After examining the preliminary evidence and report of the police called under Section 202 Cr.P.C., learned Sub Divisional Judicial Magistrate, Bilaspur found that the material on record was sufficient to proceed against the accused persons under Sections 323/452/506/149 Indian Penal Code. All accused/petitioners Chander Parkash, Vijay Kumari wife of Chander Parkash, Rimpay son of Chander Parkash, Mehtab and Lachhi Ram were ordered to be summoned to face trial under Sections 323/452/506/149 Indian Penal Code.

5. Notice of the petitions was directed to respondent No. 2, who initially put in appearance through Mr. Ravi Malik, Advocate but later failed to contest both cases.

6. Vide order dated 19.10.2016, learned trial Court was directed to adjourn the case beyond the date fixed by this Court.

7. Learned counsel for the petitioners submits that petitioner along with others purchased land from husband of the complainant/respondent No. 2 namely Jagtar Singh, who filed Civil Suit No. 1594 dated 14.08.2010, before

**CRM-M-5321-2016 and one more case (O&M)****-4-**

the alleged occurrence. During pendency of the civil suit, complainant/respondent No. 2 tried to forcibly enter the fields and made false and frivolous complaints against the petitioners. The civil suit filed by Jagtar Singh was dismissed vide judgment and decree dated 12.01.2017. FIR No. 143 dated 16.10.2010 was lodged by petitioner Chander Parkash under Sections 341/323/325/379/427/506/34 Indian Penal Code. In that FIR, inquiry was conducted by the police. Police found that complainant/respondent No. 2 and Jaswinder Kaur attacked the petitioner and caused serious injuries. After much delay, the criminal complaint was filed on false and frivolous grounds. No offence under Section 452 IPC was made out as the land belonged to the petitioners, who had purchased it from complainant's husband. As per police reply, DDR No. 22 dated 01.09.2010 was found to be false. Annexures P-4 and P-5, police report and FIR respectively also did not support version of the complainant. The medico legal report merely recorded complaints of pain. The complaint was therefore, false. In view of **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**, complaint No. 494/2013 dated 31.10.2013 and summoning order dated 16.08.2015 deserved to be quashed.

8. Inherent powers under Section 482 Cr.P.C. for quashing of criminal proceedings are to be exercised sparingly and in rare cases. In **C.S. Prasad v. C. Satyakumar And Others 2026 INSC 39**, Hon'ble Supreme Court observed as under:

“22. The jurisdiction under Section 482 of the Cr.PC is extraordinary in nature and is to be exercised with great caution. This Court in catena of judgments has emphasised that the High Court must avoid usurping the function of a trial court or

**CRM-M-5321-2016 and one more case (O&M)****-5-**

conducting a mini-trial when disputed factual questions attend the maintainability of a complaint. The only requirement is to examine whether the uncontroverted allegations, as contained in the FIR, taken at their face value, disclose the commission of any cognizable offence.

24..... it is apt clear that even though the powers under Section 482 of the Cr.PC are very wide, its conferment requires the High Courts to be more cautious and diligent. While examining any FIR, the High Court exercising its power under this provision cannot go embarking upon the genuineness of the allegations made. The High Court must only consider whether there exists any sufficient material to proceed against the accused or not and must not be concerned with the reliability, sufficiency, or acceptability of the evidence.

31. It is a settled proposition that when a factual foundation for prosecution exists, criminal law cannot be short-circuited by invoking inherent jurisdiction under Section 482 of the Cr.PC. Where allegations require adjudication on evidence, the proper course is to permit the trial to proceed in accordance with law.....”

9. Further in **Muskan v. Ishaan Khan (Sataniya) And Others 2025**

SCC Online SC 2355, it was observed as under:-

“22. On the aspect of the powers of the Courts under Section 482 of the Cr.PC, it is settled that at the stage of quashing, the Court is not required to conduct a mini trial. Thus, the jurisdiction under Section 482 of the Cr.PC with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to proceed against the accused or not. If



sufficient material is available, the power under Section 482 should not be exercised.”

10. Hon’ble Supreme Court in ***Birla Corporation Limited and Adventz Investments and Holdings Limited and Others 2019(5) RCR (Criminal) 810*** has in considerable detail examined the scope of Sections 200, 202 and 204 Cr.P.C. and observed as under:

26. Complaint filed under Section 200 Cr.P.C. and enquiry contemplated under Section 202 Cr.P.C. and issuance of process:-

Under Section 200 of the Criminal Procedure Code, on presentation of the complaint by an individual, the Magistrate is required to examine the complainant and the witnesses present, if any. Thereafter, on perusal of the allegations made in the complaint, the statement of the complainant on solemn affirmation and the witnesses examined, the Magistrate has to get himself satisfied that there are sufficient grounds for proceeding against the accused and on such satisfaction, the Magistrate may direct for issuance of process as contemplated under Section 204 Cr.P.C. The purpose of the enquiry under Section 202 Cr.P.C. is to determine whether a prima facie case is made out and whether there is sufficient ground for proceeding against the accused.

27. The scope of enquiry under this section is extremely restricted only to finding out the truth or otherwise of the allegations made in the complaint in order to determine whether process should be issued or not under Section 204 Cr.P.C. or whether the complaint should be dismissed by resorting to Section 203 Cr.P.C. on the footing that there is no



sufficient ground for proceeding on the basis of the statements of the complainant and of his witnesses, if any. At the stage of enquiry under Section 202 Cr.P.C., the Magistrate is only concerned with the allegations made in the complaint or the evidence in support of the averments in the complaint to satisfy himself that there is sufficient ground for proceeding against the accused.

28. *In National Bank of Oman v. Barakara Abdul Aziz and Another (2013) 2 SCC 488*, the Supreme Court explained the scope of enquiry and held as under:-

“9. The duty of a Magistrate receiving a complaint is set out in Section 202 CrPC and there is an obligation on the Magistrate to find out if there is any matter which calls for investigation by a criminal court. The scope of enquiry under this section is restricted only to find out the truth or otherwise of the allegations made in the complaint in order to determine whether process has to be issued or not. Investigation under Section 202 CrPC is different from the investigation contemplated in Section 156 as it is only for holding the Magistrate to decide whether or not there is sufficient ground for him to proceed further. The scope of enquiry under Section 202 CrPC is, therefore, limited to the ascertainment of truth or falsehood of the allegations made in the complaint:

- (i) on the materials placed by the complainant before the court;*
- (ii) for the limited purpose of finding out whether a prima facie case for issue of process has been made out; and*



(iii) for deciding the question purely from the point of view of the complainant without at all adverting to any defence that the accused may have.”

29. *In **Mehmood Ul Rehman v. Khazir Mohammad Tunda and Others (2015) 12 SCC 420**, the scope of enquiry under Section 202 Cr.P.C. and the satisfaction of the Magistrate for issuance of process has been considered and held as under:-*

“2. Chapter XV Cr.P.C. deals with the further procedure for dealing with “Complaints to Magistrate”. Under Section 200 Cr.P.C, the Magistrate, taking cognizance of an offence on a complaint, shall examine upon oath the complainant and the witnesses, if any, present and the substance of such examination should be reduced to writing and the same shall be signed by the complainant, the witnesses and the Magistrate. Under Section 202 Cr.P.C, the Magistrate, if required, is empowered to either inquire into the case himself or direct an investigation to be made by a competent person “for the purpose of deciding whether or not there is sufficient ground for proceeding”. If, after considering the statements recorded under Section 200 Cr.P.C and the result of the inquiry or investigation under Section 202 Cr.P.C, the Magistrate is of the opinion that there is no sufficient ground for proceeding, he should dismiss the complaint, after briefly recording the reasons for doing so.



3. Chapter XVI Cr.P.C deals with “Commencement of Proceedings before Magistrate”. If, in the opinion of the Magistrate taking cognizance of an offence, there is sufficient ground for proceeding, the Magistrate has to issue process under Section 204(1) Cr.P.C for attendance of the accused.”

30. Reiterating the mandatory requirement of application of mind in the process of taking cognizance, in **Bhushan Kumar and Another v. State (NCT of Delhi) and Another (2012) 5 SCC 424**, it was held as under:-

“11. In **Chief Enforcement Officer v. Videocon International Ltd. (2008) 2 SCC 492** (SCC p. 499, para 19) the expression “cognizance” was explained by this Court as “it merely means ‘become aware of’ and when used with reference to a court or a Judge, it connotes ‘to take notice of judicially’. It indicates the point when a court or a Magistrate takes judicial notice of an offence with a view to initiating proceedings in respect of such offence said to have been committed by someone.” It is entirely a different thing from initiation of proceedings; rather it is the condition precedent to the initiation of proceedings by the Magistrate or the Judge. Cognizance is taken of cases and not of persons. Under Section 190 of the Code, it is the application of judicial mind to the averments in the complaint that constitutes cognizance. At this stage, the Magistrate has to be satisfied whether there is sufficient ground for proceeding and not whether there is sufficient ground for conviction. Whether the evidence is



adequate for supporting the conviction can be determined only at the trial and not at the stage of enquiry. If there is sufficient ground for proceeding then the Magistrate is empowered for issuance of process under Section 204 of the Code.”

11. Law is settled that an inquiry envisaged under Section 203/204 Cr.P.C. is for the limited purpose of determining whether a *prima facie* case is made out for issuance of process. This is required to be decided purely from the point of view of the complainant without at all adverting to any defence that the accused may have. The Apex Court has reiterated time and again that the Magistrate, at the stage of summoning, is not to weigh the evidence meticulously as if he was a trial Court. For the purpose of summoning under Section 204 Cr.P.C., only a *prima facie* case is sine qua non. If the allegations are perceptibly clear and make out an offence, accused must be summoned.

12. The only requirement is that there should be sufficient indication in the order passed by the Magistrate that he is satisfied that the allegations in the complaint constitute an offence and when considered along with the statements recorded and report of investigation under Section 202 Cr.P.C., if any, the accused is answerable before the Criminal Court, there is ground for proceeding against the accused under Section 204 Cr.P.C. by issuing process.

13. In the light of the above principles, it is to be considered whether the allegations in the complaint, the statement of the complainant and other witnesses coupled with the report under Section 202 Cr.P.C. before the Magistrate were sufficient to justify the Magistrate's satisfaction that there was sufficient ground for proceeding against the accused.

**CRM-M-5321-2016 and one more case (O&M)****-11-**

14. Complainant in preliminary evidence, examined 03 witnesses CW-1 Harbhajan Singh besides CW-2, Dr. Arun Singla to prove the medico legal reports of complainant and injured Jaswinder Kaur. Both complainant and Jaswinder Kaur appeared as their own witnesses CW-4 and CW-3 to depose in the same breath that on 01.09.2010 at about 6.00 PM, petitioners, armed with *Kulhadis* etc., forcibly entered their house, abused them and mounted blows. Harbhajan Singh supported case of the complainant in material particulars had stated about the assault on the complainant and Jaswinder Kaur by the petitioners on 01.09.2010 at around 6.00 PM. He also stated about the arms carried by the petitioners and the inflicting of blows by them.

15. There is an FIR No. 143 registered on complaint of petitioner No. 1-Chander Prakash with regard to an incident dated 16.10.2010 under Sections 341/323/325/379/427/506/34 Indian Penal Code. Police also lodged report No. 22 dated 01.09.2010 on statement of complaint but found the same false. The report under Section 202 Cr.P.C. submitted by the police, is on the lines that the complaint was moved only to mount pressure upon the accused and there was no truth therein. Learned trial Magistrate has carefully examined the facts of the case to differ with the investigation report, observing that no independent witness from village of the complainant was joined while conducting the enquiry except complainant, Chander Parkash and Vijay Kumari. It has further been observed that in his statement before Enquiry Officer, Harbhajan Singh had supported the allegations made in the instant complaint. Learned Magistrate found that both Chander Prakash and Vijay Kumari stated that they were present in village Peeruwala on 01.09.2010, although they were resident of



village Chhachhrauli. It was observed that the question whether complainant party mounted the attack upon the accused or otherwise, could be determined only after appreciation of evidence led during the course of trial and at that stage, it could not be assumed that it was complainant and others who mounted the attack on accused persons on 01.09.2010. Valid reasons have been recorded to discard the report under Section 202 Cr.P.C. The Order dated 06.08.2015 shows due application of mind by learned Magistrate to the facts of the case. Learned Magistrate has passed a well reasoned order holding that a *prima facie* case for commission of offences under Sections 323/452/506/149 Indian Penal Code was made out against the petitioners, while observing that no offence under Section 354 IPC was made out as intention of the accused/petitioners was not to outrage the modesty of the complainant or her sister-in-law.

16. During the course of arguments, learned counsel for the petitioner has placed on record copy of judgment of the Civil Court in Civil Suit No. 1594 dated 14.08.2010 to support his assertion that the petitioners' side was successful in the civil case against husband of the complainant regarding disputed properties. In the complaint itself, respondent No. 2 disclosed that there was a pending property dispute between her family and that of accused Chander Parkash. The incident in question, as per evidence led, did not take place in the disputed property. As such, finding of the Civil Court would hardly be relevant. The fact that a criminal case stands registered against the complainant has also been disclosed in the complaint and has been noticed by learned JMIC. The question as to who was the aggressor can be determined only on conclusion of trial. Delay in itself, could not be sufficient ground to

**CRM-M-5321-2016 and one more case (O&M)****-13-**

dismiss the complaint. There is thus no ground to quash the complaint and the summoning order which has been passed on correct appreciation of facts and law. The view taken by learned JMIC is reasonable and there is no apparent illegality in the impugned order which has been passed on due consideration of the relevant material. This Court, in the exercise of inherent power would not be justified in quashing/setting aside the impugned order, interfering in the appreciation of evidence by learned Magistrate.

17. The petitions stand dismissed.

18. Nothing observed hereinabove shall be construed as an opinion on merits of the case.

19. A photocopy of this order be placed on the file of other connected case.

(SHALINI SINGH NAGPAL)
JUDGE

April 27, 2026

Ajay Goswami

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