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

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Date of decision: 12.03.2026

VAIBHAV SHARMA

..... PETITIONER

VERSUS

STATE OF HARYANA AND ORS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Divyadeep Walia, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SURYA PARTAP SINGH, J.

1. By invoking the extra-ordinary jurisdiction vested in this Court by virtue of Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred as "BNSS", the present petition has been filed by the petitioner for quashing of FIR No.387 dated 26.07.2024, under Sections 121(1), 125, 221, 281, 296 of Bharatiya Nyaya Sanhita, Police Station Thanesar Sadar, District Kurukshetra.

2. In nut-shell, the facts emerging from record are that the FIR of this came into being on the complaint of Constable Sahil. It was complained by the above-named police officer, hereinafter being referred to as

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complainant only, that he was deputed as a personal security guard of Vaibhav Sharma, resident of House No.1746, Sector-3, Kurukshetra. According to complainant on 11.07.2024 Vaibhav Sharma had attended the birthday party of his friend, and that the complainant had accompanied him alongwith private PSO of Vaibhav Sharma namely Parveen.

3. As per complainant in the birthday party Vaibhav Sharma consumed liquor with his friends, and thereafter, he lost control. According to complainant, firstly, Vaibhav Sharma picked up quarrel with his friends on trivial issues, and then hurled abuses at the complainant in full public view. The above-named complainant further stated that the brother of Vaibhav Sharma, namely Devansh, was also present there, and therefore, he requested Devansh to persuade Vaibhav Sharma to go home but initially Vaibhav Sharma refused and after a lot of persuasion, he agreed to go back home but insisted to drive the vehicle in a drunken state. It was also alleged by the complainant that somehow, they managed to reach home but even at home Vaibhav Sharma while hurling verbal abuses, harassed them.

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

5. Notice of motion.

6. Since advance notice has already been served upon the State, Mr. Ramender Singh Chauhan, AAG, Haryana, accepts notice on behalf of

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respondent-State. Hence, the service of notice upon the State is hereby dispensed with.

7. Heard.

8. It has been contended on behalf of petitioner that the petitioner is innocent, who has been falsely implicated in the present case merely on the basis of a cooked up story by the complainant. According to learned counsel for the petitioner firstly, there is no evidence on record to show that the petitioner had misbehaved with anybody, nor there is any evidence to prove that the petitioner was under the influence of liquor. The learned counsel for the petitioner has also contended that the FIR for the commission of offence punishable under Sections 121(1), 125, 221, 281, 296 of 'Bharatiya Nyaya Sanhita' has been slapped against the petitioner, whereas no such offence, whatsoever, is made out on the basis of allegations contained in the FIR.

9. While referring to the principles of law laid down by Hon'ble Supreme Court of India in the case of 'Neetu Kumar Nagaich vs. The State of Rajasthan and Others' AIR 2020 Supreme Court 5267, the learned counsel for the petitioner has contended that firstly the FIR should be quashed and if the above-mentioned request of the petitioner does not find favour of this Court, then to dig out the truth, the investigation of this case be transferred out of State of Haryana.

10. The record has been perused carefully.



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11. With regard to scope and indulgence of this Court for exercising extraordinary jurisdiction, the guiding principles, wherein extraordinary jurisdiction for quashing of FIR can be exercised, 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 OnlineSC 315. Those guidelines prescribe that:

- “a) 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).
- b) 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;
- c) Criminal proceedings ought not to be scuttled at the initial stage;
- d) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- e) 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;
- f) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- g) 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;

- h) 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;

12. 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 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 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.

- e) 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.
- f) 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.

13. With regard to similar situation, the Hon'ble Supreme Court of India in the case of 'Gian Singh Vs. State of Punjab (2012) 10 Supreme Court Cases 303', observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. As per Hon'ble Supreme Court, the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code of Criminal Procedure. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accordance with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.

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14. 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.

15. 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.

16. 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.

17. In the light of above-mentioned principles of law, if the factual matrix of the present case is examined, it transpires that in the present case firstly the investigation is already complete and a final report has already been filed in the Court. Thus, at this stage when the trial is pending in the



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Court of learned Judicial Magistrate, the direction for transfer of investigation cannot be issued.

18. The second aspect involved in the present case is as to whether any ground for quashing of FIR is made out or not. With regard to above-mentioned prayer of the petitioner, it is relevant to mention here that there are very specific and categorical allegations in the complaint that the petitioner had misbehaved with the personal security guard, deputed with him, and the petitioner acted in a manner, which were detrimental to the discharge duty of complainant, who was performing his duty as a public servant. Thus, at this stage on the basis of allegations contained in the FIR this inference cannot be drawn that allegations against the petitioner does not constitute any offence.

19. Taking into consideration the relevant law which prescribes that the scope for quashing is very limited, and the fact that there are specific allegations with regard to misbehavior of petitioner with the public servant when they were discharging their official duty, it is hereby observed that no ground for quashing of FIR is made out and the present petition is devoid of merits. Thus, finding no merit, the present petition is hereby *dismissed*, accordingly.

(SURYA PARTAP SINGH)
JUDGE

12.03.2026

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Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No