



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

120

**CRM-M-15592-2016 (O&M)  
Decided on : 17.02.2026**

Nitesh Mittal &amp; Ors.

..... Petitioners

VERSUS

State of Punjab &amp; Anr.

..... Respondents

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

Present : Mr. Ishan Gupta, Advocate and  
Ms. Muskan Gupta, Advocate for the petitioners.

Mr. Eklavya Darshi, DAG, Punjab.

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**SURYA PARTAP SINGH, J.**

1. The extraordinary jurisdiction vested in this Court by virtue of Section 482 of Code of Criminal Procedure, hereinafter being referred to as 'CrPC', has been invoked for quashing of summoning order dated 31.03.2016 passed by the learned Judicial Magistrate 1<sup>st</sup> Class, Sangrur, hereinafter being referred to as 'trial Court' only, and also the Complaint No.12 dated 13.10.2015 titled as 'Nitesh Mittal Vs. State of Punjab & Anr.', filed by the respondent No.2 against the petitioners.

2. In nut-shell, the facts emerging from record are that the respondent No.2/complainant, hereinafter being referred to as 'complainant' only, has filed a complaint against the petitioners/accused only. It has been alleged in the abovementioned complaint that on 27.09.2015 at about 07:00



P.M. the complainant along with his brother was going in his car and near village Balwar Kalan the petitioners who were travelling in a Ford Figgo car, being driven by petitioner No.1, stopped the car of the complainant. According to respondent No.2, the petitioner No.1 was armed with a steel rod, petitioner Nos.2 and 3 with wooden handles and petitioner No.4 with a gandasa (chopper). According to respondent No.2, they all launched an attack upon him with their respective weapons, inflicted multiple injuries on his person and also damaged the mirror of the car.

3. The record further reveals that on filing of abovementioned complaint, the respondent No.2 was called upon by the learned trial Court to lead preliminary evidence and on appreciation of preliminary evidence vide order dated 03.08.2015, the petitioners were summoned as accused. The abovementioned summoning order, viz-a-viz complaint, have been sought to be quashed by the petitioners.

4. Heard.

5. It has been contended on behalf of the petitioners that an altogether false and imaginary story has been cooked-up by the respondent No.2 and that without application of judicial mind, and without proper appreciation of preliminary evidence, the summoning order against the petitioners has been passed. According to learned counsel for the petitioners, the falsity of the allegations levelled by the respondent No.2 can be gazed from the fact that in the complaint, the respondent No.2 had levelled allegations for the commission of offence under Sections



307/341/323/427/506 and 34 of IPC, but the learned trial Court has summoned the petitioners for the commission of offence punishable under Sections 341, 323 and 34 IPC only.

6. It has been further contended by learned counsel for the petitioner that to support the abovementioned allegations except the bare testimony of the complainant, there is no other supportive evidence and that even the medico-legal report of the injures has not been proved before the learned trial Court. As per learned counsel for the petitioner, despite the abovementioned discussed deficiency the learned trial Court, unmindful of all the abovementioned requirements, has summoned the petitioners as an accused.

7. In addition to above, the learned counsel for the petitioner has also contended that in the present case, another relevant aspect to be taken into consideration is that with regard to same incident, the petitioners, too, had filed a complaint, and that the abovementioned complaint has already been decided by the learned trial Court, which has unfortunately ended-up into acquittal of the accused, and that the respondent No.2 has challenged the same in an appeal, which is under consideration.

8. *Per contra*, the learned counsel for the respondent No.2 has contended that all the pleas raised by the petitioners in the present petition can be appreciated by analyzing the evidence to be led during the course of trial only, and therefore, on the basis of grounds taken in the present petition, any case for quashing of complaint, viz-a-viz summoning order, is not made



out. It has also been contended by learned counsel for the respondent No.2 that in the present case, the only plea raised by the petitioners is that they have been falsely implicated in the present case and without corroboration by independent evidence for the summoning order against the accused, only *prima facie* case has to be seen by the learned trial Court. As per learned counsel for the respondent No.2 at the abovesaid stage it is not expected from the respondent No.2 to prove his allegations beyond the shadow of reasonable doubts. It has also been contended by learned counsel for the respondent No.2 that on the basis of contents of the complaint, the essential ingredients meant for the commission of offence under Sections 341/323 IPC are made out, and therefore, no ground for quashing of complaint is made out.

9. The record has been perused carefully.

10. With regard to scope and indulgence of this Court to exercise extraordinary jurisdiction, 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) 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;
- i) 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;



- j) 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;”

11. 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 complaint 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.

12. In the light of abovementioned settled principles of law if the factual matrix of the present case is analyzed, it transpires that in the present case, the petitioners have simply come forward with a plea that a false story



has been cooked-up by the respondent No.2 and the abovementioned false story without the support of any preliminary evidence has been believed by the learned trial Court. However, with regard to abovementioned averments, the most relevant fact to be taken into consideration is the preliminary evidence led by the respondent No.2 before the learned trial Court.

13. A perusal of record further shows that the preliminary evidence led by the respondent No.2 is thoroughly supportive to the contents of the complaint and once the summoning of petitioners is for the commission of offence under Sections 341/323/34 of IPC only, there is no requirement of medico-legal report of the injured. At this stage, once on the basis of contents of the complaint, the essential ingredients meant for the commission of offence punishable under Sections 323/341/34 IPC are made out and in support of contents of the complaint, there are testimonies of complainant and other witnesses, it is hereby held that at this stage, no ground for exercising the extraordinary jurisdiction for quashing of complaint is made out.

14. Thus, it is hereby held that present petition is devoid of merits and deserved dismissal. The same is hereby *dismissed*, accordingly.

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

(SURYA PARTAP SINGH)  
JUDGE

17.02.2026  
Vinod

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