



CRM-M-12401-2026

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

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Usha

...Petitioner

V/s

State of Haryana and others

...Respondents

Date of decision: 18.03.2026**Date of Uploading : 18.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. M.R. Sharma, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (Oral)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as the 'BNSS, 2023') invoking the inherent jurisdiction of this Court for issuance of directions to the official respondents to register an FIR against respondent Nos. 5 to 10 on the basis of complaint dated 13.11.2025 submitted before the Superintendent of Police, Mahendergarh. The petitioner has further prayed for issuance of directions for appointment of an independent investigating officer not below the rank of Superintendent of Police to ensure a fair and impartial investigation. A further prayer has been made seeking protection to the life and liberty of the petitioner and her family members on account of alleged threats extended by the private respondents.

2. The brief factual matrix of the case, as narrated in the petition is that on 07.11.2025, a dispute arose between the family of the petitioner and respondent No. 8 regarding water drainage which resulted in injuries to

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the family members of the petitioner. It has been further alleged that during the intervening night of 07/08.11.2025, the police officials along with private respondents forcibly entered the house of the petitioner without any warrant; used abusive language and committed acts amounting to house-trespass. The petitioner has further alleged that her husband and minor son were forcibly taken to the police station where they were subjected to harassment and illegal detention. Furthermore, the CCTV equipment and mobile phones were allegedly taken away by the police officials and data was deleted to suppress the evidence. On account of the aforesaid incident, the petitioner has submitted representations to higher authorities including the Superintendent of Police on 13.11.2025 but no FIR has been registered. Subsequently, FIR No. 0318 dated 14.11.2025 has been registered against the petitioner and her family members which is alleged to be false and a counterblast to the complaint made by the petitioner. It is in this factual backdrop that the petitioner has sought directions for registration of an FIR against respondent Nos. 5 to 10; appointment of an independent investigating officer and for the grant of security.

3. Learned counsel for the petitioner has iterated that on the basis of complaint dated 13.11.2025 made by the petitioner, the respondent Nos.1 to 4 (herein) are not registering the FIR which is wholly illegal, arbitrary and contrary to the settled principles of law. Learned counsel has further iterated that the said complaint clearly discloses the commission of cognizable offences, including house trespass at night, assault, criminal intimidation, illegal detention, outraging the modesty of a woman and misuse of official power by police officials yet no action has been taken by

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the authorities. It has been further contended that the incident in question pertains to the intervening night of 07/08.11.2025, whereby the police officials along with private respondents have forcibly entered the residential premises of the petitioner without any warrant or lawful authority, used abusive language and created panic amongst the family members. According to learned counsel, the conduct of the police officials has been in complete violation of statutory safeguards as well as the fundamental rights guaranteed under Article 21 of the Constitution of India. Furthermore, the husband and minor son of the petitioner have been forcibly taken to the police station without following the due procedure and has been illegally detained and harassed. Learned counsel has further submitted that despite approaching the competent authorities, including the Superintendent of Police, Mahendergarh, by way of detailed representation dated 13.11.2025, no FIR has been registered till date. Learned counsel has asserted that such inaction is in direct violation of the law laid down by the Hon'ble Supreme Court in *Lalita Kumari vs. Government of Uttar Pradesh*, wherein it has been held that registration of FIR is mandatory where the information discloses commission of a cognizable offence. Furthermore, instead of taking action on the complaint of the petitioner, the police authorities have registered a false and fabricated case against the petitioner and her family members. It has been further submitted that since the allegations in the present case are directly against police officials, there is a reasonable apprehension that any investigation conducted by the local police would not be fair or transparent. It has, thus, been prayed that the investigation be entrusted to an independent officer not below the rank of Superintendent of



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Police or to any independent agency and a direction be also issued for providing protection to the petitioner and her family members.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the present petition by arguing that the allegations regarding threats and assault are not corroborated. Furthermore, the State cannot act solely on the version of the petitioner without proper verification. According to learned State counsel, the petitioner has already approached the competent authority but no imminent threat has been established that necessitates invoking of extraordinary intervention by this Court. According to learned State counsel, the apprehensions expressed by the petitioner are wholly misconceived, unfounded and devoid of any merits. On the strength of these submissions, the dismissal of the petition in hand is sought for.

5. I have heard learned counsel for the rival parties and have perused the paper-book.

6. It would be apposite to refer herein to a judgment of this Court passed in **CRM-M-34678-2024** titled as **AXXXX vs. vs. State of Punjab and others**, decided on 31.07.2024; relevant whereof reads as under:-

“11. As a sequel to above rumination, the following postulates of law emerge:

I. An Illaqa/Jurisdictional Magistrate has; by virtue of Sections 173 and 175 of BNSS, 2023; the necessary powers and jurisdiction to grant plea(s) for issuance of direction(s) for registration of an FIR, monitoring of investigation in an FIR, change of investigating officer and prayer(s) of alike nature.

II. Ordinarily, an applicant/complainant ought to approach, in the first instance, the Court of Illaqa/Jurisdictional Magistrate to seek prayer(s) for issuance of direction(s) for registration of an FIR, monitoring of investigation in an FIR as also other prayers of akin nature.

III. In a given case, if the facts/circumstances so warrant, the High Court is well within its jurisdiction to entertain and consider plea(s) seeking



registration of an FIR, monitoring of investigation in an FIR, constituting an SIT (Special Investigating Team), change of investigating officer & all such prayer(s) of such kind and nature. However, it would be prudent that an applicant/complainant, while seeking to invoke the jurisdiction of a High Court under Section 528 of BNSS, 2023 in the first instance seeking prayer(s) of above nature, shows sufficient cause for not having approached the Illaqa/Jurisdictional Magistrate in the first instance.

IV.A High Court, in its inherent jurisdiction under Section 528 of BNSS, 2023 has unbridled, unfettered and plenary powers. The only restriction on exercise of such powers is self-restraint. No inflexible and comprehensive guidelines can conceivably be enumerated governing the exercise of these intrinsic powers by a High Court under Section 528 of BNSS, 2023. There is no gainsaying that the nature, mode and extent of such exercise of powers by a High Court under Section 528 of BNSS, 2023 shall depend upon the judicial discretion exercised by a High Court in the facts and circumstances of a given case.”

7. The prime prayer made in the petition is the issuance of appropriate directions to take action against respondent Nos.5 to 10 on the basis of complaint dated 13.11.2025 moved by the petitioner. The petitioner has made allegations of house trespass, assault, criminal intimidation, illegal detention, outraging the modesty of a woman and misuse of official power by police officials but the material placed on record shows lack of independent verification or corroborative evidence. There is no credible evidence on record establishing immediate danger or ongoing threat to the life of the petitioner and her family members or the fact that the police has adopted a negligent and indifferent approach towards the investigation. It appears that the police have received the complaint(s)/representation(s) and they require reasonable time to verify the allegations before the registration of the FIR. Mere dis-satisfaction of the petitioner with the investigative steps does not *ipso facto* render the investigation partial or collusive. There



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exists no material on record to substantiate the claim of the petitioner that respondent Nos.1 to 4 have failed to register an FIR, in violation of Section 154 of the Cr.P.C. No such accentuating facts/circumstances have been brought forward by the petitioner which may warrant interference by this Court under Section 528 of BNSS, 2023. Accordingly, this Court does not find the present case a fit one for exercise of its jurisdiction under Section 528 of BNSS, 2023.

8. The jurisdiction conferred upon this Court under Section 528 of the BNSS is of an extraordinary and discretionary character, necessitating careful and judicious invocation. It is a trite principle of law that such jurisdiction is not to be exercised in routine or perfunctory matters, but solely in circumstances that unequivocally warrant the intervention of the Court to prevent manifest injustice or irreparable harm. The Court, in the exercise of its extraordinary powers, is not a forum for speculative grievances or unsubstantiated apprehensions. Mere averments or generalized prayers, such as those seeking directions for registration of the case, are insufficient to compel the Court to intervene. The petitioner bears a fundamental and onerous obligation to substantiate his allegations with cogent, credible, and *prima facie* evidence that demonstrates a real and immediate threat or an act of injustice requiring redress. It would be appropriate to refer herein to an age old adage:

“Judicial judgment must be informed and guided by the evidence on record; speculation or surmises has no place in the Court of Law”

It is well-settled that the extraordinary jurisdiction of the Court is intended to supplement, not supplant, the ordinary remedies available under the general law. This jurisdiction is inherently constrained by the



principles of judicial propriety and is invoked only where there exist no efficacious alternative remedy, or where failure to act would result in the miscarriage of justice. Absent sufficient material or evidentiary basis, the Court cannot be compelled to act merely on the asking of petitioner. To do so would undermine the very sanctity and purpose of its extraordinary jurisdiction, reducing it to a mechanism for frivolous or unwarranted claims. In the present instance, the lack of substantive evidence negates any justification for the exercise of such powers, and the Court finds no occasion to intervene in the absence of a clear and compelling case.

- 9. Accordingly, the instant petition filed under Section 528 of BNSS, 2023 is dismissed.
- 10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 18, 2026
Ajay

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