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

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Reserved on : 10.03.2026

Pronounced on: 12.03.2026

RAVINDER SINGH

..... PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Aayush Gupta, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

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.0041 dated 01.05.2025, for the offence under Sections 333, 329(3), 324(4), 351(2), 3(5) and 62 of Bharatiya Nyaya Sanhita, Police Station Jodhan, District Ludhiana Rural.



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2. In nut-shell, the facts emerging from record are that the FIR of this came into being at the instance of 'Parminder Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he was a farmer by profession and Sarpanch of the village. According to complainant, he had purchased a marriage palace from Avtar Singh, resident of Ludhiana in the name of his father Mohan Singh on 25.03.2025. The complainant further alleged that with regard to above-mentioned purchase, the sale deed was duly executed and even the mutation had been sanctioned by the revenue authorities in the name of father of complainant. As per complainant the possession of the same, too, was delivered to him.

3. According to complainant on 01.05.2025 at about 07:00 A.M. the security guard deployed on the marriage palace told him that 3-4 persons had forcibly entered the marriage palace by opening the main gate, with an intention to take over its possession. The complainant further alleged that in response to above-mentioned information, he rushed to the marriage palace, where he found that Ravinder Singh son of Avtar Singh, armed with steel rod, alongwith Ramna (Nihang), carrying a *Kirpan*, and two unidentified persons, armed with wooden sticks, were present. As per complainant, when he reached the spot, Ravinder Singh told him that there was a dispute between his father Avtar Singh and mother, and that Avtar Singh had no right to transfer the property. According to complainant, thereafter, Ravinder Singh started damaging the furniture items and other goods lying in the

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marriage palace. It was also alleged by the complainant that his security guard Sukhwinder Singh and he locked themselves in a room in order to save their life and after sometime the assailants left the spot.

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

5. Heard.

6. With regard to present petition, it has been contended by learned counsel for the petitioner that the FIR in question has been filed on false and frivolous grounds, and that the contents of the FIR have no substance at all. According to learned counsel for the petitioner in the present case, the revenue record and other evidence proves beyond doubt that the above-mentioned marriage palace has never been in possession of petitioner, and that the complainant with an intention to take advantage of matrimonial dispute between the parents of the petitioner, has got executed a sham sale deed of the above-said property, on throw a price from the father of petitioner. As per learned counsel for the petitioner on the strength of above-said illegal sale deed, the complainant has started to claim that he is in possession of the above-mentioned property.

7. While alleging that the FIR has been lodged under Section 333, 329(3), 324(4), 351(2), 3(5) and 62 of Bharatiya Nyaya Sanhita against a person, who is in possession of disputed property since long, it has been

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contended that the filing of FIR is against the settled principles of law. It has also been argued by learned counsel for the petitioner that in fact the question of possession over the disputed property can be determined by the Civil Court, and once prima facie the possession of petitioner on the above-mentioned property is established, the criminal Court cannot be determined as to whether there has been any trespass over the disputed property or not.

8. In support of his arguments, the learned counsel for the petitioner has referred to the observations made by Karnataka High Court in the case of 'Sri Shivaswamy and others vs. The State of Karnataka and others' 2022(4) KCCR 3282.

9. The record has been perused carefully.

10. As far as the present petition is concerned, at the very out-set it is pertinent to mention here that in the present case the FIR has been lodged by the respondent No.2-complainant, by alleging that he had purchased the property from the father of petitioner. It has also been claimed by the respondent No.2 that mutation of the above-mentioned property has already been sanctioned in favour of respondent No.2, by the revenue authority.

11. In response to above-mentioned claim of respondent No.2, the petitioner has come forward with the plea that he being son of the vendor had been in exclusive possession of the disputed property, and that there was a matrimonial dispute between his parents, and that he being son of Avtar Singh had been looking after the business of marriage palace, but the

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respondent No.2 with an intention to take undue advantage of internal dispute of the family of the petitioner, is trying to take over the possession of the same in an illegal manner.

12. If the above-mentioned rival contentions of the parties are taken into consideration, it transpires that in the present case one of the question to be determined by the Court is the possession over the property in dispute, whereupon the alleged trespass has taken place. Since the above-mentioned question can be determined on the basis of evidence to be adduced by the parties during the course of trial, it is hereby held that at this stage no ground for quashing of FIR is made out.

13. Otherwise also in the present case this fact cannot be ignored that there is no denial of the fact that father of petitioner was owner of the property and he has executed a sale deed of the same in favour of the complainant. Thus, prima facie the title of the disputed property vests in the complainant, and therefore, there is a prima facie presumption of possession in favour of title holder of the disputed property. Anything contrary to the above-mentioned documentary evidence, prima facie, seems to be hit by Section 94 of Bharatiya Sakshya Adhiniyam, 2023.

14. With regard to scope and indulgence of this Court to exercise 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



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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



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by this Court in the cases of R.P. Kapur and Bhajan Lal, has the jurisdiction to quash the FIR/complaint;

15. 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



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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.

16. 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.

17. 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

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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.

18. 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.

19. 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.

20. If the factual matrix of the present case is analyzed in the light of above-mentioned judgments, it transpires that firstly, the petitioner has failed to prove that the filing of FIR by the complainant against the petitioner is an abuse of process of law, secondly, he has failed to prove that on the basis of contents of the FIR any cognizable offence is not made out against the petitioner, and thirdly, that continuation of prosecution against the petitioner shall amount to travesty of justice.



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21. As a sequel to above-mentioned observations, it is hereby observed that the present petition is devoid of merit and deserves dismissal. Hence, the same is hereby *dismissed*, accordingly. However, it is hereby clarified that any observation recorded in the present order shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

12.03.2026
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Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No