

CRM-M-13209-2026 (O&M)

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

177

CRM-M-13209-2026 (O&M)

Decided on : 11.03.2026

Ramesh Sharma & Anr.

..... Petitioners

VERSUS

State of Punjab & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

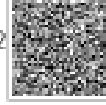
Present : Mr. Akash Vashisth, Advocate for the petitioners.

Mr. I.P.S. Sabharwal, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J.

1. The instant petition is a petition filed by the petitioners under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023. This petition has been filed for quashing of FIR No.22 dated 16.06.2025, under Section 316(2) of Bharatiya Nyaya Sanhita, 2023, [challan filed for the offence under Sections 316(2) and 238 of BNS], Police Station Women, District Patiala. All the consequential proceedings arising therefrom, too, have been sought to be quashed.

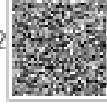
2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of 'Ritika Gohri', hereinafter being referred to as 'complainant' only. It was alleged by the above-named complainant that her marriage was solemnized on 24.11.2023 with 'Sidharth Sharma', presently residing in Bloomington, Indiana, USA. According to



complainant, at the time of marriage, her parents had gifted dowry befitting to their status and the dowry articles, i.e. gold and silver ornaments comprised of diamond ring, gold bracelet, gold chain etc. As per complainant, 'Sidharth Sharma' used to claim that being a citizen of USA, the dowry must be befitting to his status, and that after marriage when the complainant visited her matrimonial home, she was subjected to harassment by repeated comments regarding inadequate dowry.

3. It has also been claimed by the complainant that in addition to mental agony being faced by her in her matrimonial home, she was subjected to physical harassment also by her husband, and that but she tolerated the same and accompanied 'Sidharth Sharma' to USA, where the same ill treatment continued. It has further been claimed by the complainant that due to unwanted behaviour of her husband 'Sidharth Sharma', she left him, and came back to India. As per complainant with the intervention of her parents and others, she had agreed to stay with her parental in-laws.

4. The complainant had further alleged that after few days, when 'Sidharth Sharma' visited his parents' home, he resorted to physical and mental harassment of the complainant and when the abovementioned incident was narrated by the complainant to her parented in-laws, they behaved indifferently. It had been further claimed of the complainant that fed-up with the abovementioned treatment, being faced by her in her in-laws' house, she demanded for the return of her belongings, but the petitioners refused to return the same.

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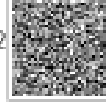
5. It is the case of the prosecution that in view of abovementioned information, formal FIR of this case was lodged and the investigation taken up.

6. **Notice of motion qua respondent No.1.**

7. Mr. I.P.S. Sabharwal, Deputy Advocate General, Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with.

8. Heard.

9. It has been contended by learned counsel for the petitioners that the petitioners are old-age senior citizens, and that the FIR has been lodged on the basis of a false, frivolous and concocted allegations. As per learned counsel for the petitioners, the complainant has cooked-up a false story regarding her alleged harassment by the petitioners, vis-à-vis with regard to misappropriation of dowry articles. The focus of the arguments of learned counsel for the petitioner has been upon the plea that the petitioners have nothing to do with the sour relationship between the complainant and her husband. According to learned counsel for the petitioners, the petitioners have not misappropriated any articles belonging to the complainant, and that even after the filing of FIR, when Investigating Agency approached the petitioners, they cooperated with the Investigating Agency and handed over the dowry articles.



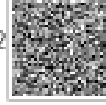
10. With regard to above, the learned counsel for the petitioners has further contended that in fact the complainant herself had left the dowry articles in her matrimonial home, and it was never misappropriated temporarily or otherwise by the petitioners. While claiming that the allegations against the petitioner are false, frivolous and without any basis, the quashing of FIR in question has been sought.

11. *Per contra*, the learned State Counsel has contended that all the grounds taken by the petitioner in the present petition, for quashing of FIR, can be determined on appreciation of evidence only. As per learned State Counsel, since in the present case the statements of witnesses are yet to be recorded by the learned trial Court, merely on the basis of counter-allegations of the petitioners, this controversy cannot be determined, whether allegations levelled against the petitioners are genuine or not.

12. The record has been perused carefully.

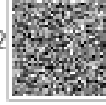
13. With regard to scope and indulgence of this Court for exercising extraordinary jurisdiction, the guiding principles, wherein extraordinary jurisdiction for quashing of FIR can be exercised, have been laid down by the Hon'ble Supreme Court of India in the case of 'Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others' 2021 SCC OnlineSC 315. Those guidelines prescribe that:

“a) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in

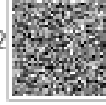


Chapter XIV of the Code to investigate into a cognizable offence;

- b) Courts would not thwart any investigation into the cognizable offences;
- c) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;
- d) 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).
- e) 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;
- f) Criminal proceedings ought not to be scuttled at the initial stage;
- g) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- h) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;
- i) The functions of the judiciary and the police are complementary, not overlapping;
- j) 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;

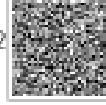


- k) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- l) The first information report is not an encyclopedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;
- m) 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;
- n) 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;
- o) 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;

- p) 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;
- q) Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of

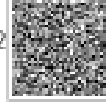


India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order.

- r) Whenever an interim order is passed by the High Court of “no coercive steps to be adopted” within the aforesaid parameters, the High Court must clarify what does it mean by “no coercive steps to be adopted” as the term “no coercive steps to be adopted” can be said to be too vague and/or broad which can be misunderstood and/or misapplied.

14. 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

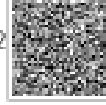


do not disclose the commission of any offence and make out a case against the accused.

- 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.

15. 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.

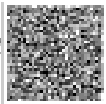
16. In the case of ‘M/s Balaji Traders Vs. The State of U.P. & Anr.’ 2025(3) RCR (Criminal) 175, the Hon’ble Supreme Court of India has ruled



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.

17. 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.

18. In the light of abovementioned guiding principles, if the facts and circumstances of the present case are analyzed, it transpires that by filing the present petition, the petitioners have taken the stand that the allegations levelled against them are false and unnatural. With regard to abovementioned grounds, taken by the petitioners, it is relevant to mention here that the truth behind the allegations levelled by the complainant can be unearthed only by appreciation of evidence to be led by the prosecution during the course of trial. At this stage, merely on the basis of grounds taken by the petitioners that they are innocent, this controversy cannot be determined that any offence against them is made out. Thus, it is hereby held that the present petition is squarely covered by the guiding principles laid down in the cases, mentioned above.



19. As a sequel to abovementioned observation, it is hereby observed that the petitioners have failed to establish any ground for quashing of present FIR and therefore, it is hereby held that the present petition is devoid of merit and deserves dismissal. The same is hereby *dismissed*, accordingly.

20. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

11.03.2026
Gaurav Thakur

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