



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

Sr. No.128

CRM-M-16627-2026
Date of Decision: 08.04.2026

AMAN @ KALA AND OTHERS

...Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Manish Soni, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. A.G. Haryana.

MANDEEP PANNU, J. (Oral)

1. This petition has been filed under Section 528 of the BNSS, 2023 for quashing of FIR No. 20 dated 13.01.2026, registered under Sections 190, 191(2), 329(3), 351(2), 61 and 62 of the BNS at Police Station Kaithal City, District Kaithal, along with all consequential proceedings arising therefrom.

2. Briefly, as per the record, the aforesaid FIR came to be registered on the basis of allegations made by the complainant regarding alleged attempts by the accused persons to take forcible possession of certain shops/plots, coupled with allegations of intimidation, conspiracy and other offences. The matter arises out of transactions relating to purchase, sale and possession of certain immovable property, where rival claims have been set up by both sides with respect to ownership and possession. It has also come on record that prior complaints and inquiries were conducted and the FIR in question was registered thereafter.



3. The contention raised on behalf of the petitioners is that they have been falsely implicated in the present case and no offence is made out against them. It is argued that the dispute between the parties is purely civil in nature, arising out of property transactions, and has been given a criminal colour. It is further submitted that the ingredients of criminal trespass are not made out, particularly when a civil suit is stated to be pending between the parties. The petitioners contend that the complainant party is not the lawful owner of the property and is claiming ownership on the basis of false and fabricated sale deeds. It is also argued that none of the parties is in actual possession of the property in question and the same is a vacant plot, and therefore, the allegations of forcible possession and criminal intimidation are baseless. On these grounds, it is prayed that the FIR deserves to be quashed.

4. Mr. Viren Sibal, Advocate and Mr. Shayon Sen, Advocate appeared on behalf of the respondent/complainant and filed memo of appearance. He, along with the learned State counsel, who was assisted by counsel for the respondent, has argued that all the issues raised by the petitioners are essentially questions of fact which cannot be adjudicated in proceedings under Section 528 of the BNSS. It is submitted that the challan is yet to be presented in the present case and the investigation is still at a nascent stage. It is further submitted that an inquiry has been conducted by a DSP and serious allegations have surfaced during the course of investigation. It has also been pointed out that a number of other FIRs, stated to be around 15, are pending against the petitioner. The State contends that at this initial stage, the FIR cannot be quashed on the grounds taken by the petitioners, as the matter requires thorough investigation.



5. After hearing learned counsel for the parties and perusing the record, this Court is of the considered view that no case for interference is made out at this stage. It is well settled that the inherent jurisdiction for quashing of an FIR is to be exercised sparingly and with great caution, and only in cases where the allegations, even if taken at their face value, do not disclose the commission of any offence or where the proceedings are manifestly attended with mala fide. At the present stage, this Court is not expected to conduct a roving inquiry into the disputed questions of fact. In the present case, the allegations in the FIR *prima facie* disclose commission of cognizable offences. The contentions raised by the petitioners, including the nature of the dispute being civil, validity of sale deeds, question of possession, and correctness of the allegations, are all matters which require appreciation of evidence and cannot be adjudicated in a petition for quashing. It is also pertinent that the investigation is still ongoing and the challan has not yet been presented. Interference at such an initial stage would amount to stifling a legitimate investigation. The plea that the dispute is civil in nature does not, by itself, warrant quashing of the FIR when the allegations also disclose elements of criminality. Furthermore, the question as to whether the complainant is the rightful owner, whether the petitioners had any lawful claim, and whether any offence such as criminal trespass or intimidation has been committed, are all matters which can only be determined after a full-fledged investigation and, if necessary, trial.

6. In view of the above, this Court finds that the issues raised are predominantly questions of fact which cannot be adjudicated in these

proceedings. No ground is made out to exercise the inherent jurisdiction for quashing of the FIR.

7. Accordingly, the present petition is dismissed.
8. However, it is clarified that nothing observed herein shall be construed as an expression on the merits of the case, and the investigating agency shall proceed in accordance with law.
9. All pending applications, if any, also stand disposed of.

08.04.2026
Anu

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No