



CRM-M-22247-2021(O&M)

1

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

-.-

CRM-M-22247-2021(O&M)**Reserved on :11.02.2026****Pronounced on: 12.02.2026****Uploaded on 12.02.2026**

*Whether only operative part of the judgment is pronounced or
the full judgment is pronounced:*

Operative part/full judgment

Gurcharan Singh

.....Petitioner

VERSUS

State of Punjab and another

....Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Hakam Singh, Advocate and
Mr. Ajayveer Singh, Advocate and
Mr. Simarjeet Singh, Advocate for the petitioner.

Mr. Hardeep Hans, AAG, Punjab

MANDEEP PANNU J.

The present petition has been filed under Section 482 Cr.P.C. with a prayer for quashing of FIR No. 0190 dated 26.05.2020 registered under Sections 295-A and 120-B of the Indian Penal Code, 1860 at Police Station City Haibowal, District Ludhiana, along with all consequential proceedings arising therefrom.

Briefly stated, the case of the petitioner is that he has been falsely implicated in the aforesaid FIR. It is contended that his name does not find mention in the FIR and that the person named therein is "Gurcharan Masal", whereas the petitioner is "Gurcharan Singh", resident of Budhimari, District Sirsa, Haryana. According to the petitioner, there is a case of mistaken identity and no specific role,



song, lyrics or video has been attributed to him in the FIR. It is further averred that he has no concern with the alleged acts forming the subject matter of the present FIR and the same deserves to be quashed qua him.

Per contra, learned State counsel has opposed the present petition and submitted that the petitioner is, in fact, the same person who has been named in the FIR as “Gurcharan Masal” and there is no dispute regarding his identity. It is submitted that merely describing himself as “Gurcharan Singh” does not absolve him of liability. It has further been argued that the petitioner has not joined the investigation despite opportunities. Learned State counsel has also submitted that during investigation, one of the co-accused has already been challaned and the police has taken into possession a pen drive, in which the present petitioner is seen in connection with the objectionable material forming the basis of the FIR. Therefore, it is contended that the petition deserves dismissal.

I have heard learned counsel for the parties and have perused the record.

The principal contention raised by the petitioner pertains to his identity, namely, that he is not the person referred to in the FIR as “Gurcharan Masal”. Thus, the only dispute sought to be projected before this Court is with regard to whether the petitioner is the same person who has been named in the FIR.

At this stage, while exercising inherent jurisdiction under Section 482 Cr.P.C., this Court is not expected to conduct a roving



CRM-M-22247-2021(O&M)

3

enquiry into the disputed questions of fact. The plea of mistaken identity, as raised by the petitioner, is essentially a matter of investigation and evidence. The petitioner has admittedly not joined the investigation so far. It is for the investigating agency to ascertain, on the basis of material collected, including the electronic evidence allegedly recovered, whether the petitioner is the same person involved in the commission of the alleged offences.

The inherent powers of this Court are to be exercised sparingly and with circumspection. When the allegations in the FIR disclose commission of cognizable offences and the investigation is still underway, the same cannot be scuttled merely on the basis of a defence taken by the accused. The plea raised by the petitioner cannot be adjudicated conclusively at this preliminary stage so as to warrant quashing of the FIR.

In view of the above, this Court finds no ground to exercise its inherent jurisdiction for quashing of FIR No. 0190 dated 26.05.2020. The present petition, being devoid of merit, is hereby dismissed.

Pending application(s), if any, is/are disposed of.

February 12, 2026
rekha

(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No