

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

144

CRM-M No.16708 of 2026 (O&M)
Date of Decision : 27.03.2026

Rajinder Singh and another

.....Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

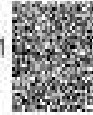
Present : Mr. A.S.Nirmaan, Advocate for the petitioners.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 447, 511, 379, 201 and 34 of Indian Penal Code, the FIR No.71 dated 16.05.2024, has been lodged in Police Station City Khanna, District Ludhiana. The petitioners are being prosecuted for the commission of above mentioned offence. Petitioners are aggrieved of their prosecution vide above mentioned FIR, and therefore, they have filed this petition for quashing of FIR.

2. In nut-shell the facts emerging from record are that the above mentioned FIR came into being at the instance 'Amarjit Singh', hereinafter being referred to as 'complainant' only. In his complaint to Senior Superintendent of Police, Khanna, the complainant had levelled allegations of illegal trespass into his property, and also of forcible taking over possession of property and theft of his property.

3. The pith and substance of the above mentioned complaint submitted by the complainant was that he was owner of plot No.73 situated in

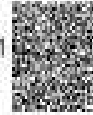


the area of Century Colony Khanna Kalan, purchased by him in the year 2001, and that for the identification of above mentioned plot, he had installed boundary markers on the boundaries of the above mentioned plot. According to complainant for some time he had left the country for Canada and in November 2023, when he came back he found that somebody had illegally constructed a boundary wall over the above mentioned plot and installed a gate. As per complainant when he made inquiries, about the person who was responsible for the above mentioned construction he came to know that it was done by 'Kulwant Singh' son of 'Rajinder Singh'. While claiming that the possession had been illegally taken over, it was alleged by the complainant that the petitioners had committed the offence and action be taken against them.

4. It is the case of the prosecution that pursuant to above mentioned complaint formal FIR in this case lodged and the investigation was taken up.

5. Heard.

6. The present petition has been filed for quashing of FIR on the ground that the dispute between the parties, predominantly, is a dispute of civil nature as both the parties are staking their rival claims (qua the title) over the property in dispute. According to learned counsel for the petitioners by twisting the facts a dispute of civil nature has been converted into a criminal case and this practice has been repeatedly deprecated by this Court as well as the Hon'ble Supreme Court of India. While claiming that unless the title of the property is adjudicated upon by the Civil Court, it shall not be possible for a criminal Court arrive at a conclusion as to whether there was any illegal



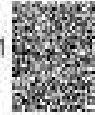
possession over the disputed property or not. As per learned counsel for the petitioners, in view of above mentioned fact-situation the filing of FIR, in the instant case, is nothing but an abuse of process of law.

7. In support of his arguments, the learned counsel for the petitioners has placed reliance upon the principles of law laid down in the case of ‘State of Haryana Vs. Bhajan Lal, 1992 Suppl. (1) SCC 335’, ‘Vishnu Kumar Shukla Vs. State of U.P.’, 2023 SCC OnLine SC 1582, ‘Mahmood Ali Vs. State of U.P.’, 2023 SCC Online SC 950, ‘Abhishek Saxena Vs. State of UP,’ 2023 SCC Online SC 1711, ‘Shambhu Kharwar Vs. State of U.P.’, 2022 SCC OnLine SC 1032, ‘Rajaram Sharma Vs. The State of Uttar Pradesh and another’, Criminal Appeal No.63 of 2024 and ‘Sujoy Ghosh Vs. State of Jharkhand & Anr.’, SLP (Crl.) No.9452 of 2025.

8. The record has been perused carefully.

9. A perusal of record shows, and also conceded by the learned counsel for the petitioners, that with regard to above mentioned FIR the investigation is already complete and the final report under Section 173 Cr.P.C. has been filed by the police. It has also been admitted by learned counsel for the petitioners that the learned trial Court has already framed charge against the petitioners. In view of above mentioned developments pertaining to the present case, it is hereby observed that after framing of charge the only course available to the petitioners is to file a revision petition against the order of framing of charge and the extraordinary remedy of quashing of FIR is not the proper remedy.

10. Otherwise also it is for the prosecution to prove beyond the



shadow of reasonable doubts that the disputed property was in possession of complainant and its possession has been illegally taken over by the petitioners. If the complainant/prosecution will not be successful in its endeavour the natural outcome of the trial would be acquittal of the petitioners. However, at this stage, it is not possible to draw an inference with regard to genuineness of rivals claim of the parties qua title and possession over the disputed property.

11. It shall not be out of place to mention here that, that the petitioners have approached this Court for the exercise of extraordinary jurisdiction and with regard to above, the guiding principles 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 Online SC 315". Those guidelines are:

- “i) 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;
- ii) Courts would not thwart any investigation into the cognizable offences;
- iii) 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;
- iv) 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).

- v) 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;
- vi) Criminal proceedings ought not to be scuttled at the initial stage;
- vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- viii) 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;
- ix) The functions of the judiciary and the police are complementary, not overlapping;
- x) 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;
- xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- xii) 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;

- xiii) 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;
- xiv) 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 (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint;
- xv) 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;

- xvi) 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

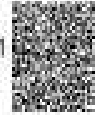
Cr.P.C. and/or under Article 226 of the Constitution of India;

xvii) 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.

xviii) 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.”

12 In addition to above, in the case of ‘Bhajan Lal (supra)’, 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 in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
- e) 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.
- f) 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.

- g) 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.

13. 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.

14. 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.

15. 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.

16. If the factual matrix of the present case is examined in the light of above mentioned principles of law it transpires that the present case fails to meet the prescribed criteria for quashing of FIR. Thus, it is hereby held that the grounds taken in the present petition do not come within the purview of guidelines prescribed by Hon’ble Apex Court in the above mentioned verdicts. In my opinion, in the present case, this inference cannot be draw that there is abuse of process of law by filing the present FIR. Hence, it is observed that there is no scope for quashing of FIR in the present case and the present petition being devoid of merit deserves dismissal. The same is hereby **dismissed**, accordingly. However, the petitioners shall be at liberty to challenge the order of framing of charge before the appropriate forum.

(SURYA PARTAP SINGH)
JUDGE

27.03.2026
Manoj Bhutani

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