

CRM-M-19231-2024 (O & M) 2026:PHHC:026045



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(272)

CRM-M-19231-2024 (O & M)

Reserved on:17.02.2026

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Karandeep Singh @ Karan

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Puja Chopra, Sr. Advocate,
with Mr. Sourav Thakur, Advocate, for the petitioner.

Mr. Athar Ahmed, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for setting aside/quashing of FIR No.192 dated 12.12.2023 under Sections 379-B, 34 IPC registered at Police Station Division No.2, District Police Commissionerate, Ludhiana (Annexure P-1) and challan/charge sheet (Annexure P-2) presented without fair and proper investigation.

2. The brief facts of the case are that the aforementioned FIR (Annexure P-1) came to be registered at the instance of Veerpal Singh @ Honey and reads as under:-

*Statement of Veerpal Singh @ Honey s/o Late Taranjeet Singh
r/o Street No.1, Doctor Maini Street No.1, Hargobindpura,
Jagraon, presently r/o Street No.1, Kartar Colony, PS: Division*



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NO.3, Ludhiana aged about 33 years, mobile no. 98774-45182. Stated that I am resident of aforesaid address. I have been learning the work of a mechanic at Rocky Motor near Kawality Chowk, Industrial Area A, Ludhiana. On 11.12.2023 at about 7:50 PM I received a call from my wife Manpreet Kaur and I came out of the shop for hearing the call and then I was holding my mobile to my ear, the mobile of make Vivo of colour blue in which SIM Card no. 76580-84734 was activated and the IMEI No. is 867408040123579. Then in the meantime two young men riding on Activa came from behind from side of Cheema Chowk, out of them a boy riding pillion forcibly snatched my mobile and fled away towards Mohalla Islamganj. I read the number of Activa as PB 10 GQ 2870 and colour was brown. Till today I have been searching for them and I came to know that the driver of the Activa is Deepak @ Rinku S/o Lakhpati R/o Dashmesh Nagar, Gill Road, Ludhiana and the name of the boy riding pillion is Karandeep @ Karan S/o Dharmender Singh R/o Street No: 8, Mohalla Mad Colony, Shimlapuri. I can identify when confronted. I was coming to you for giving information. You have met, action be taken. Statement has been recorded, heard and same is correct. Sd/- Veerpal Singh verified by Balour Singh ASI, PS:Division no. 2, Ludhiana, dated 12.12.2023. Action of police: Today myself ASI alongwith HC Talwinder Singh no 851, HC Harpreet Singh no 3483 on private vehicle and were present near the cut of Labour Colony in context of patrolling and search of suspicious persons, then aforesaid Veerpal Singh @ Honey came to me and got his statement recorded, after recording his statement and same was read over to him, who after hearing, reading the statement and admitting the same to be correct he signed under the same in



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Punjabi. Which were verified by myself ASI. From the statement of complainant prima facie offence U/s 379-B, 34 IPC is made out, on which this statement is being sent to police station at the hand of HC Harpreet Singh no 3483 for registration of FIR against Deepak @ Rinku and Karandeep @ Karan.

3. During the course of the investigation, the report under Section 173(2) Cr.P.C. was presented after which charges came to be framed and now evidence is being recorded.

4. The learned Senior counsel for the petitioner contends that the allegations levelled against the petitioner are baseless. In fact, the complainant-Veerpal Singh @ Honey spat upon the petitioner and when the petitioner and Deepak objected to the same and asked him to be careful, then instead of apologizing, the complainant abused, threatened and scuffled with the petitioner and Deepak during which the screen of the mobile of the complainant-Veerpal Singh @ Honey got damaged. The complainant got furious and called his friends at the spot and broke/damaged the Activa driven by Deepak. Thereafter, the petitioner was caught and taken away to Rocky Motors Garage where the complainant was working and he (petitioner) was beaten up and his mobile phone was snatched alongwith cash of Rs.8500/-. He was taken to the police station where he was threatened by ASI Balaur Singh to implicate him in false cases. No FIR was registered at the instance of the petitioner who was kept in illegal custody. It



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is her contention that not only should the FIR (Annexure P-1) be quashed but a *de novo* or re-investigation be ordered.

5. The learned counsel for the State, on the other hand, contends that the version of the petitioner would be his defence at the stage of the Trial which cannot be adjudicated upon during the course of summary proceedings under Section 482 Cr.P.C. (528 BNSS). In case, the petitioner wanted further investigation/re-investigation, he could have approached the Magistrate by way of an appropriate application. At this stage, when the prosecution evidence is being recorded and only 04 prosecution witnesses remain to be examined, the question of quashing of the FIR (Annexure P-1) and the challan/charge sheet (Annexure P-2) does not arise.

6. I have heard the learned counsel for the parties.

7. The parameters of quashing of an FIR have been laid down in the judgment of '*State of Haryana & Ors. v. Bhajan Lal & Ors., (1992) Supp (1) SCC 335*' and the same are reproduced as under:-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible



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guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

"(1) 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.

(2) 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.

(3) 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.

(4) Where the allegations in the FIR 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.

(5) Where the allegations made in the FIR 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.

(6) 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.

(7) 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."



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8. The Hon’ble Supreme Court in various judgments has held that disputed questions of fact and the defence of an accused cannot be considered to quash an FIR and/or the report under Section 193 of BNSS. Such disputed questions of fact and the defence of an accused can only be adjudicated upon during the course of the Trial. The relevant judgments in this regard are as under:-

In ‘*Maksud Saiyed versus State of Gujarat & Ors. 2007(4) RCR(Criminal) 406*’, the Hon’ble Supreme Court held as under:-

6. The jurisdiction of the High Court to quash a FIR in exercise of its jurisdiction under Section 482 of the Code of Criminal Procedure is well known. The court may not enter into determination of a disputed question of fact at that stage. It may, however, take note of the allegations made in the complaint petition vis-a-vis the conduct of the parties. It is not disputed that the bank had filed an original application before the Debts Recovery Tribunal, Ahmedabad. A civil suit was filed at Vadodara in the year 2003. In the prospectus issued, it was stated :

"Sr. No.	Suit details	Date of Filing	Name of the party	Branch	Amount claimed (Rs. in lacs)
4	DRT, A 'bad 28.3.03	M/s. Nagami Nicotine Pvt. Ltd.	A.R.B. A'bad	993.74	The case is filed against the Bank for non-submission of export bills and non-releasing of the sanctioned limits. We have taken plea that since the borrower is not clearing the dues of the Bank, Bank has not released the export bills as per procedure of UCPDC



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					rules."
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In ‘*Koppiseti Subbharao @ Subramaniam versus State of A.P. 2009(2) RCR(Criminal) 860*’, the Hon’ble Supreme Court held as under:-

25. The High Court was justified in holding that disputed questions of fact are involved and the application under section 482 of Code has been rightly rejected. We do not find any scope for interference with the order of the High Court. However, we make it clear that we have not expressed any opinion on the merits of the case.

In ‘*Ashfaq Ahmed Qurereshi and another vesus Namrata Chopra and others 2014(1) RCR(Criminal) 528*’, the Hon’ble Supreme Court held as under:-

4. There is sufficient evidence on record to show that the property belonged not only to the respondent Nos. 1 & 2, but they were the owners alongwith respondent Nos. 3 and 4. The respondent No. 3 has died and respondent No. 4 has been deleted from the array of parties by this court earlier. There is ample evidence on record that the permission had been sought and obtained from Municipal Corporation of Bhopal for raising the construction of a Club House and the land in dispute had been shown as vacant land for parking. It is too late for the respondent Nos. 1 & 2 to say that the respondent Nos. 3 and 4 might have forged their signatures for the reason that it is not their case in the counter affidavit or even before the High Court that they had ever raised any objection or filed any complaint before the police or any competent court for forging their



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signatures by someone else on the said application. More so, there are disputes regarding partition and demarcation of shares between the respective parties. The sale deeds are also on record that their shares have been sold not only by respondent Nos. 3 & 4 but also by respondent Nos. 1 & 2 subsequently and there is no land available today. No explanation could be furnished by Mr. Prashant Kumar appearing for respondent nos. 1 & 2 as to why this fact had not been brought to the notice of the court.

5. As the case raises a large number of disputed questions of fact, we are of the considered opinion that there was no occasion for the High Court to allow the petition under Section 482 Cr.P.C. and quash the criminal proceedings qua the said respondents.

In ‘Rishipal Singh versus State of U.P. and another 2014(3)

RCR(Criminal) 637, the Hon’ble Supreme Court held as under:-

11. This Court in Medchl Chemicals & Pharma (P) Ltd. v. Biological E. Ltd. and Others, 2000(2) RCR (Criminal) 122 : 2000 (3) SCC 269, has discussed at length about the scope and ambit while exercising power under Section 482 Cr.P.C. and how cautious and careful the approach of the Courts should be. We deem it apt to extract the relevant portion from that judgement, which reads:

"Exercise of jurisdiction under inherent power as envisaged in section 482 of the Code to have the complaint or the charge sheet quashed is an exception rather than rule and the case for quashing at the initial stage must have to be treated as rarest of rare so as not to scuttle the prosecution with the lodgement of First Information Report. The ball is set to roll and thenceforth the law takes it's own course and the investigation



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ensures in accordance with the provisions of law. The jurisdiction as such is rather limited and restricted and it's undue expansion is neither practicable nor warranted. In the event, however, the Court on a perusal of the complaint comes to a conclusion that the allegations levelled in the complaint or charge sheet on the fact of it does not constitute or disclose any offence alleged, there ought not to be any hesitation to rise up to the expectation of the people and deal with the situations as is required under the law. Frustrated litigants ought not to be indulged to give vent to their vindictiveness through a legal process and such an investigation ought not to be allowed to be continued since the same is opposed to the concept of justice, which is paramount".

12. This Court in plethora of judgments has laid down the guidelines with regard to exercise of jurisdiction by the Courts under Section 482 Cr.P.C. In State of Haryana v. Bhajan Lal, 1991(1) RCR (Criminal) 383 : 1992 Supp(1) SCC 335, this Court has listed the categories of cases when the power under Section 482 can be exercised by the Court. These principles or the guidelines were reiterated by this Court in (1) Central Bureau of Investigation v. Duncans Agro Industries Ltd., 1996(3) RCR (Criminal) 60 : 1996 (5) SCC 592; (2) Rajesh Bajaj v. State NCT of Delhi, 1999(2) RCR (Criminal) 160 : 1999 (3) SCC 259 and; (3) Zandu Pharmaceuticals Works Ltd. v. Mohd. Sharaful Haque & Anr., 2004(4) RCR (Criminal) 937 : (2005) 1 SCC 122. This Court in Zandu Pharmaceuticals Ltd., observed that:

"The power under section 482 of the Code should be used sparingly and with to prevent abuse of process of Court, but not to stifle legitimate prosecution. There can be no two opinions on this, but if it appears to the trained judicial mind that continuation of a prosecution would lead to abuse of process of Court, the power under section 482 of the Code must be exercised and proceedings must be quashed". Also see Om Prakash and



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Ors. v. State of Jharkhand, 2012(4) RCR (Criminal) 662 : 2012(5) Recent Apex Judgments (R.A.J.) 127 : 2012 (12) SCC 72.

What emerges from the above judgments is that when a prosecution at the initial stage is asked to be quashed, the tests to be applied by the Court is as to whether the uncontroverted allegations as made in the complaint prima facie establish the case. The Courts have to see whether the continuation of the complaint amounts to abuse of process of law and whether continuation of the criminal proceeding results in miscarriage of justice or when the Court comes to a conclusion that quashing these proceedings would otherwise serve the ends of justice, then the Court can exercise the power under Section 482 Cr.P.C. While exercising the power under the provision, the Courts have to only look at the uncontroverted allegation in the complaint whether prima facie discloses an offence or not, but it should not convert itself to that of a trial Court and dwell into the disputed questions of fact.

In ‘Tilly Gifford versus Michael Floyd Eshwar & Anr. 2018(1)

RCR (Criminal) 350’, the Hon’ble Supreme Court held as under:-

4. A perusal of the order of the High Court released on 21.05.2015 would indicate that the High Court has gone far beyond the contours of its power and jurisdiction under Section 482 Cr.P.C., 1973 to quash a criminal proceeding, the extent of such jurisdiction having been dealt with by this Court in numerous pronouncements over the last half century. Time and again, it has been emphasised by this Court that the power under Section 482 Cr.P.C., 1973 would not permit the High Court to go into disputed questions of fact or to appreciate the



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defence of the accused. The power to interdict a criminal proceeding at the stage of investigation is even more rare. Broadly speaking, a criminal investigation, unless tainted by clear mala fides, should not be foreclosed by a Court of Law.

In ‘**Ravi Karumabaiah versus State and Anr. 2015(37) RCR(Criminal) 751**’, the Delhi High Court held as under:-

19. As alleged by the petitioner, there are disputed questions of facts which can be considered by learned Trial Court during trial. The petitioner will get the liberty to defend his case, but at this stage the trial cannot be stopped by quashing the proceedings, as sought by petitioner. Moreover, the petitioner has failed to establish any illegality or perversity in the orders passed by learned Trial Court as well as learned Revisional Court. Therefore, I am not inclined to exercise inherent powers under Section 482 Cr P C of this Court.

In ‘**Sumit Bansal versus M/s MGI Developers And Promoters And Another 2026(1) RCR(Criminal) 419**’, the Supreme Court held as under:-

28. On these lines, it is apt clear that even though the powers under Section 482 of the Cr.PC are very wide, its conferment requires the High Court to be more cautious and diligent. While examining any complaint or FIR, the High Court exercising its power under this provision cannot go embarking upon the genuineness of the allegations made. The Court must only consider whether there exists any sufficient material to proceed against the accused or not.



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34. Whether those cheques were issued as alternative or supplementary instruments, or represented fresh undertakings, is a disputed question of fact requiring evidence at the time of trial and cannot be resolved at the threshold. Questions such as whether the firm's cheques were issued in substitution of the personal cheques, whether the parties treated them as alternative securities, and whether both were intended to be simultaneously enforceable, are all mixed questions of fact. The inherent jurisdiction of the High Court under Section 482 of the Cr.PC cannot be used to decide such disputed issues.

9. A perusal of the aforesaid judgments would show that an FIR and all subsequent proceedings arising therefrom can be quashed where a bare perusal of the FIR and the uncontroverted allegations do not constitute an offence or where the allegations levelled are completely absurd and improbable on the face of it. The defence of the accused and disputed questions of fact cannot be examined in proceedings under the 482 Cr.P.C. (528 of BNSS, 2023).

10. Coming back to the facts of the present case, the entire contention of the petitioner amounts to setting up of his defence version and asking this Court to adjudicate upon the prosecution version viz.-a-viz. the defence version. The defence of an accused or disputed questions of facts cannot be adjudicated upon in summary proceedings under Section 482 Cr.P.C. (Section 528 BNSS). The same is the domain of the Trial Court.



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11. As regards the prayer for further investigation/*do novo* investigation, the petitioner ought to have approach the concerned Magistrate/Trial Court with an appropriate application in that regard. However, the Courts below have not been approached for reasons best known to the petitioner.

12. The cumulative effect of the aforementioned discussion is that the question of quashing of FIR (Annexure P-1), challan/charge sheet (Annexure P-2) and all consequential proceedings arising therefrom does not arise, moreso, in this situation when the prosecution evidence is being recorded.

13. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

14. The pending application(s), if any, shall stand disposed of accordingly.

February 19, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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