



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-17087 of 2026

Date of Decision: 02.04.2026

Hardeep Singh

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. S.K.Kamboj, Advocate
for the petitioner(s).

Surya Partap Singh, J.

1. This petition under Section 528 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023' has been filed by the petitioner for quashing of FIR No.0002 dated 03.01.2026, Police Station Rureke Kalan, District Barnala, Punjab. The above-mentioned FIR has been lodged for the commission of offence punishable under Section(s) 108 and 351(2) of 'the Bharatiya Nyaya Sanhita, 2023'.

2. The above-mentioned FIR came into being at the instance of 'Kulwinder Kaur', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that her father, namely 'Major Singh' was owner of agricultural land *ad measuring* 12 acres in village Daraj, and that her father 'Major Singh' was survived by three daughters only, i.e. the complainant and his two sisters, namely 'Ramandeep Kaur' and 'Kamaldeep Kaur'. According to complainant, in his life time her father

Singh' who got the above said land transferred in his own name by deception. As per complainant when her father came to know about the above-mentioned act of his nephew he (the father of complainant) filed a case against his nephew in the Court of Sub Divisional Magistrate, Tapa. The complainant further alleged that 'Balvir Singh' passed away about two years ago and after his death the mutation of land, owned by 'Balvir Singh', has been sanctioned in favour of his son, namely 'Hardeep Singh'.

3. As per complainant her father was living with her in village Rureke Kalan for the last three/four years, but he was under a great shock as his land had been got transferred by his own nephew. The complainant further stated that whenever his father used to visit village Daraj he was threatened and intimidated by the petitioner, his mother, namely 'Virpal Kaur' and wife 'Manjit Kaur'.

4. In the backdrop of above-mentioned fact it was alleged by the complainant that on 03.01.2026 she, along with her husband, namely Sukhwinder Singh' and son 'Sukhmanpreet Singh' had gone to attend Nagar Kirtan in their village and her father was alone at home. According to complainant when she returned home at about 01.00 P.M., she found her father missing and when she searched for her father she found that her father had committed suicide by hanging himself with the help of his turban. It was further alleged by the complainant that his father had committed suicide because his land was snatched by the petitioner, his mother and wife. The complainant had requested for taking action against all the above named three persons.

5. On the basis of above-mentioned statement, formal FIR of this

case was lodged and the investigation taken up.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the instant case is a classic example of misuse of process of law, and that merely, on the basis of assumptions and presumptions the allegations with regard to abetment to suicide have been levelled against the petitioner. As per learned counsel for the petitioner, the petitioner had no role to play in the transfer of land by the father of the complainant, as the father of complainant had transferred the land in the name of father of the petitioner, namely 'Balvir Singh' and on the death of 'Balvir Singh' the above-mentioned land has been inherited by the petitioner, being the natural heir of 'Balvir Singh'. It has been further contended by learned counsel for the petitioner that if the father of complainant was having any grudge it could have been against the father of petitioner only and not against the petitioner.

8. In addition to above, the learned counsel for the petitioner has also contended that with regard to above-mentioned property already the civil cases are pending between the parties, and that in order to put illegal pressure upon the petitioner and his family members, the FIR is being used as a tool by the complainant. According to learned counsel for the petitioner such a practice has been repeatedly deprecated by the Hon'ble Supreme Court of India in various judicial pronouncements. In support of his arguments, the learned counsel for the petitioner has placed reliance upon the principles of law laid down in the following cases:-

- I) "Abhinav Mohan Delkar v. The State of Maharashtra and Others 2025 AIR Supreme Court 3823.
- II) "Sunil Chauhan v. State of Haryana and Another"

2024(4) RCR (Criminal) 688

- III) “Sushil Kumar alias Sushil Yadav and Another v. State of Haryana and Another” 2023(2) Law Herald 1389.
- IV) “Harbhajan Sandhu v. State of Punjab and Another” 2022(2) RCR (Criminal) 317.
- V) “Sri V.V.Singara Velu and Another v. The State of Karnataka and Another” Criminal Petition No. 3095 of 2022, decided on 16.06.2023.

9. The record has been perused carefully.

10. A perusal of the record shows that in the present case there are very specific and categorical allegations against the petitioner with regard to the fact that the petitioner's father had subjected the father of the complainant to deception, and got the land transferred in his own name. As per allegations contained in the FIR the above-mentioned deception had led to continuous stress in the mind of deceased father of the complainant and was responsible for the suicide.

11. With regard to above-mentioned allegations it is relevant to note here that the investigation in the present case is complete and on collection of *prima facie* evidence the final report under Section 193 of BNSS has been filed by the Investigating Agency in the Court. The above-mentioned step of the Investigating Agency goes to show that the Investigating Agency has collected some incriminating evidence against the petitioner. Since in the present petition it has been alleged by the petitioner that there is no evidence against the petitioner with regard to his involvement in the commission of crime, the above-mentioned plea can be adjudicated upon by the learned trial Court only while hearing the parties on

the point of framing of charge. Unless this Court has the opportunity to look into the evidence collected by the Investigating agency any such decision cannot be taken in the instant petition for quashing.

12. It shall not be out of place to mention here that the major thrust of the arguments of learned counsel for the petitioner has been on the plea that the dispute between the parties is a dispute of nature and the civil case is already pending in the court. However, the above-mentioned plea is a double-edged weapon as at one hand it may be a reason for false implication of the petitioner and on the other hand it may be a reason which prompted the victim to commit suicide. Amongst the above-mentioned two situations, which one existed in the present case can be determined on the appreciation of evidence only, collected during the course of investigation. At this stage, there is nothing on record to draw an inference that the allegations contained in the FIR are not true. Thus, it is hereby observed that at this stage, it is not possible to draw an inference that the filing of FIR by the complainant amounts to abuse of process of law.

13. In view of above-mentioned peculiar facts and circumstances of the case it is hereby observed that the principles of law relied upon by the learned counsel for the petitioner are not applicable to the fact-situation of the present case.

14. It shall not be out of place to mention here that with regard to exercise of extraordinary jurisdiction vested in the court under Section 528 of BNSS the guiding principles have been laid down by the Hon'ble Supreme Court of India through various judicial pronouncements. In the case of 'Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and

Others' 2021 SCC Online SC 315, those guidelines prescribe that:

- “a) Courts would not thwart any investigation into the cognizable offences;
- b) 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;
- c) 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);
- d) 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;
- e) Criminal proceedings ought not to be scuttled at the initial stage;
- f) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- g) 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;
- h) The functions of the judiciary and the police are complementary, not overlapping;

- i) 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;
- j) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- k) 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; And
- l) 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.”

15. 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 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.

16. Similarly in the case of ‘Sadiq B. Hanchinmani Vs. State of Karnataka’, 2025 AIR Supreme Court 5486, 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.

17. In the case of ‘M/s Balaji Traders Vs. The State of U.P. & Another’ 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.

18. In the case of ‘Muskan Vs. Ishaan Khan (Sataniya)’, 2025 SCC Online 2355, 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.

19. If the factual matrix of the present case is tested on the touch-stone prescribed in the above-mentioned judgments, it transpires that no such situation exists in the present case which may lead to a conclusion that the present case amounts to an abuse of process of law. Thus, it is hereby observed that at this stage, no ground for quashing of FIR is made out.

20. As a sequel to above-mentioned observations, it is hereby observed that the present petition is devoid of merits and deserves dismissal. Hence, the present petition is hereby **dismissed**, accordingly.

(Surya Partap Singh)
Judge

April 02, 2026
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No