

CRM-M-18638-2026

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

CRM-M-18638-2026

Decided on: 08.04.2026

Noshad

..... Petitioner

Versus

State of Haryana

.....Respondent

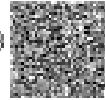
CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Afjal Hussain, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for quashing of the FIR No.144, dated 28.03.2026, registered under Section 20 of NDPS Act, at Police Station City Palwal, District Palwal alongwith all the consequential proceedings arising therefrom.

2. Succinctly, facts of the case are that on 28.03.2026, the police party while on patrolling received a secret information to the effect that Ashfaq sells *ganja* from his home and today, he is present at his home and has *ganja* with him. It was informed that in case of raid, he could be arrested alongwith the contraband. On receiving the information, a raiding team was constituted and raid was conducted at the house of Ashfaq. On conducting search, Ashfaq was found to be present at his house and total 674 grams of *ganja* was found from there. He failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested on the spot. Samples taken were sent to the FSL. On the registration of the FIR, the investigation commenced. During investigation, on the disclosure statement of Ashfaq, complicity of the petitioner, namely, Noshad was surfaced and he was also arrayed as an accused in the present case. Hence, the petitioner has approached this Court by way of filing the present petition



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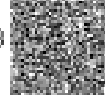
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for quashing the FIR.

3. It has been vehemently contended by counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present FIR on the basis of false and concocted story. He submits that the petitioner and his family members filed CWP-19766-2023 before this Court as they had apprehension of demolition of their house and this Court vide order dated 06.09.2023 disposed of the same. However, thereafter, brother of petitioner i.e. Ashfaq was falsely implicated in the impugned FIR. He has submitted that the petitioner and his family were pressurized to withdraw the quashing petition CRM-M-48786-2023 failing which petitioner and his brother, namely, Sonu Qureshi were implicated in false cases. He contends that time and again, the petitioner and his family members were implicated in the false and frivolous cases and on the other hand, no action was taken on the complaint(s) filed by the petitioner and his family members. He relies upon the judgment of Hon'ble Supreme Court in **State of Haryana vs. Bhajan Lal**, 1992 Supp (1) SCC 335 and submits that in the overall facts and circumstances of the present case, prosecution of the petitioner is nothing but an abuse of the process of the Court and the thus, the present FIR deserves to be quashed.

4. Notice of motion.

5. Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of the State. He has opposed the submissions made by counsel for the petitioner. He has submitted that though the petitioner was not named in the FIR, however, on disclosure statement of the co-accused Ashfaq, who is none other than his brother, the petitioner has been arrayed as an accused in



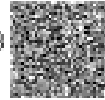
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the present case. He submits that the case is under investigation and thus, no case for quashing of the FIR is made out.

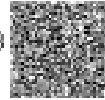
6. I have heard learned counsel for the parties and have gone through the record with their able assistance. The allegations made in the FIR and the material collected during investigation cannot be meticulously examined at this stage to determine their truthfulness. In the present case, the investigation is still at a nascent stage. The petitioner has been arrayed as an accused on the basis of disclosure statement of the co-accused, and the investigating agency is yet to collect further evidence. Whether such disclosure statement is corroborated by independent evidence or not, is a matter to be examined during the course of investigation or at the stage of trial. The reliance placed by learned counsel for the petitioner on the judgment in **State of Haryana vs. Bhajan Lal** (supra) is misconceived in the facts of the present case, as the case does not fall within the exceptional categories warranting interference at this stage. The allegations of false implication and *mala fide* action, as raised by the petitioner, involve disputed questions of fact, which cannot be adjudicated upon in proceedings under Section 482 Cr.P.C. As submitted before this Court the case is still under investigation. Parameters for invoking its power under Section 528 of BNSS, 2023 by this Court, have been laid by Hon'ble Supreme Court in **Bhajan Lal's** case (supra), which read 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 channelized and inflexible 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 FIR 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

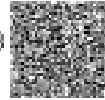


criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(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.”

7. Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and another**, (2012) 10 SCC 303, has further held as under:-

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any



compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

8. Hon'ble the Supreme Court in the case of Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and another, 2021 SCC



quashing under Section 528 of BNSS, 2023 sparingly with circumspection in the rarest of rare cases and also criminal proceedings ought not to be scuttled at the initial stage.

9. From the facts and circumstances of the present case, it is apparent that there are disputed questions of fact, which can be adjudicated only after carrying out a thorough investigation and leading evidence. The Court has to be circumspect for invoking its power under Section 528 of BNSS, 2023 for quashing of FIR at threshold.

10. Thus, weighing the facts and circumstances of the present case on the anvil of law settled, no ground for quashing the FIR is made out. Hence, the present petition is hereby dismissed.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.04.2026
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No