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

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Date of decision 30.01.2026

RUPESH AND ANOTHER

..... PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Sandeep Kotla, Advocate
for the petitioners.

Mr. Parveen Kumar Aggarwal, Addl. A.G, Haryana.

Mr. Govind Chauhan, Advocate
for respondent No.4.

SURYA PARTAP SINGH. J.

1. By invoking the extra-ordinary jurisdiction vested in this Court by virtue of Section 482 of the Code of Criminal Procedure, hereinafter being referred to as “Cr.P.C.”, the present petition has been filed by the petitioners for quashing of FIR No.47 dated 02.04.2024 Police Station Machhroli, District Jhajjar. The above-said FIR has been lodged for the offences under Sections 323/427/447/506/34 of Indian Penal Code, hereinafter being referred to as ‘IPC’ only,

2. In nut-shell the facts emerging from record are that the FIR of this case came into being at the instance of Vinod son of Dalbir Singh, hereinafter

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being referred to as 'complainant' only. It was stated by the complainant that on 02.04.2024 at about 08.00 A.M., when complainant alongwith his son Divyans was harvesting mustard crop with the help of tractor and thrasher of Bittu resident of Machrauli, Rupesh and Sonu (petitioners herein) came there, they forcibly stopped the tractor and picked up its key. According to complainant, when his son tried to make the video of incident, the above-named assailants snatched the mobile phone and broke the same. It was also stated by the complainant that thereafter they were assaulted by the above-named assailants and they also destroyed mustard crop by spreading it into the fields. According to complainant, the above named assailants had also threatened them by saying that either they should leave the field otherwise they would be killed.

3. It is the case of the prosecution that in view of above-mentioned complaint formal FIR of this case was lodged and the investigation taken up.

4. Heard.

5. It has been contended on behalf of petitioners that the filing of above-mentioned prosecution against the petitioners is nothing but an abuse of process of law, and that by cooking up a false story, the petitioners have been falsely implicated in the present case. According to learned counsel for the petitioners in fact the petitioners are co-sharers in the land, wherein the alleged cultivation by the complainant was taking place. As per learned counsel for the petitioner, the complainant has got no right title or interest, whatsoever, in the agricultural land, where the alleged incident had taken place. It has also been contended by learned counsel for the petitioners that the complainant are claiming themselves to be a lessee of the co-sharers of the petitioners, and

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therefore, at the most they can step into the shoes of co-sharers of the petitioners.

6. With regard to above, the learned counsel for the petitioners has contended that allegations in the FIR against the petitioners are with regard to trespass but as per settled principles of law unless the partition of joint property takes place, by meets and bounds, the plea of co-sharers with regard to trespass against other co-sharers is not sustainable. While claiming that the litigation between the co-shares of the land in question, with regard to partition of the same is in progress, the learned counsel for the petitioners has contended that any FIR for the commission of offence punishable under Section 447 IPC is not maintainable against the petitioners, and therefore, the instant FIR deserves to be quashed.

7. In support of his arguments, the learned counsel for the petitioners has referred to the principles of law laid down by this Court in the cases of 'Karamjit Kaur Singh vs. State of Punjab and Others' CRM-M-2080-2013 [decided on 03.10.2013] and 'Jaspal Singh and another vs. State of Punjab and another' CRM-M-35031-2009 [decided on 26.04.2011].

8. The above-mentioned arguments have been controverted by learned State counsel, being assisted by learned counsel for the complainant. It has been contended by learned State counsel that in the present case the entire thrust of the argument of learned counsel for the petitioners is with regard to the fact that petitioners are co-sharers in the land, where the incident had taken place. As per learned State counsel in the present case, there are allegations against the petitioners that firstly, they caused hurt on the person of complainant, which has invoked Section 323 IPC, and secondly, damaged the property of the petitioners

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by playing mischief, which attracted Section 427 IPC, and thirdly, intimidated the complainant, which has attracted Section 506 IPC. According to learned State counsel simply because the petitioners claims themselves to be a co-sharers in the disputed property, it does not mean that they were entitled to commit the above-mentioned offence, and therefore, on the ground which has been taken in the present petition, the FIR cannot be quashed.

9. The record has been perused carefully.

10. In the present case at the very-out, it is pertinent to mention here that the FIR in question has been slapped against the petitioners by specifically alleging that the petitioners had assaulted the complainant, caused simple hurt on his person and intimidated him by extending a threat to kill.

11. In addition to above, the contents of the FIR also shows that there are allegations against the petitioners that they had destroyed the mustard crop of the complainant. The above-mentioned allegations are very specific and categorical. Here it is relevant to note that the fact that the petitioners claim themselves to be co-shares in the suit property does not exonerate them from the commission of above-mentioned offence.

12. With regard to arguments of learned counsel for the petitioners that the above-mentioned allegations are false, it is relevant to mention here that the above-mentioned plea can be adjudicated upon by the learned trial Court only, by appreciation of evidence. However at this stage in the present petition for quashing of FIR, this question cannot be determined as to whether the above-mentioned allegations are true or not.

13. Before advertng to the merits of the case it is relevant to mention here that the guiding principles, wherein extraordinary jurisdiction for quashing

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of FIR can be exercised, 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 principle are as under:

- “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.”

14. In addition to above, in the case of ‘State of Haryana Vs. Bhajan Lal, 1992 Suppl. (1) SCC 335’, 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.

15. With regard to similar situation, the Hon'ble Supreme Court of India in the case of 'Gian Singh Vs. State of Punjab (2012) 10 Supreme Court Cases 303', observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. As per Hon'ble Supreme Court, 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

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offences under Section 320 of the Code of Criminal Procedure. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accordance 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.”

16. 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.

17. 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.

18. 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.

19. In view of above-mentioned facts and circumstances of this case in my considered opinion the factual matrix of the present case being altogether



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different, the principles of laws laid down in the cases of Karamjit Kaur Singh (supra) and Jaspal Singh (supra) are not applicable to the facts and circumstances of the present case.

20. As a sequel to above-mentioned observations, it is hereby observed that in the present case even if the plea of petitioners is accepted on its face value, even then there is no ground to justify the allegations against the petitioners with regard to commission of offence under Sections 323, 427 and 506 IPC. The plea of co-shareship at the most help the petitioners qua the allegation for the offence under Section 447 IPC. Hence, it is hereby held that there is no circumstance in the present case which may warrant the exercise of extraordinary jurisdiction vested in this Court, with regard to quashing of FIR. In view of above-mentioned discussion, it is hereby held that being devoid of merit the present petition deserves dismissal. Hence the same is hereby dismissed accordingly.

(SURYA PARTAP SINGH)
JUDGE

30.01.2026*vipin*

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