

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

2026.PHHC.080769



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CRM-M-26482-2021 (O&M)

Date of decision: 21.05.2026

Parminder Singh**... Petitioner****versus****State of Punjab and another****... Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Jasraj Singh, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. K.K. Goyal, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.'), *which is pari materia with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023*, making prayer for quashing of FIR No.75 dated 26.06.2020 registered under Sections 380, 427, 447, 451 and 506 of IPC at Police Station Mehtiana, District Hoshiarpur and all the subsequent proceedings having emanated therefrom.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of the statement recorded by complainant Suman Kaur alleging therein that her husband Jagir Singh, who was living in New Zealand for the past ten

years, owned some land situated at Village Bhungrani and another 04 kanals of land at some other place. Previously, her younger brother-in-law Gurdev Singh used to cultivate this land. After his death, she was getting this land cultivated through the present petitioner who is son of her elder brother-in-law and used to pay money to him in lieu thereof. Then she gave the same land to one Nirmal Singh @ Nimma on lease who cultivated the same for one year. In May, 2020, she gave this land on lease to Gurinder Singh. However, the petitioner did not let the above named Gurinder Singh cultivate the land. She got maize crop sown over the said land through one Manjit Singh. In the morning of 16.06.2020, she found that the said crop had been ploughed down by the petitioner who forcibly took possession of the land and extended threats to not to enter therein. He also took away a tractor and trolley which was in the name of her husband and was lying in her house on the evening of 17.06.2020.

3. After registration of FIR under the aforementioned sections, investigation proceedings had been initiated. The petitioner was extended benefit of anticipatory bail and joined investigation. Investigation now stands concluded and challan has been presented before the learned trial Court.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, his uncle executed a power of attorney in his favour on 20.05.2020. He had sent the same through mail to him. He had also intimated the investigating agency through email that his wife i.e. the complainant had falsely got the instant FIR registered against the petitioner and that he himself had given the entire land owned by him to the petitioner for the cultivation purposes, for collecting rent or

batai of the same and also for looking after the same and his wife feeling offended due to this fact has got this case registered. It was also informed by Jagir Singh that the tractor in question along with some agricultural tools and implements had himself been given by him to the petitioner to cultivate his land since the year 2011. It is submitted that the complainant had even filed a civil suit against her husband and the petitioner seeking injunction from dispossessing her from the land under the ownership of her husband which is pending. The petitioner had been cultivating the land owned by his uncle as per his instructions only and as such his possession over the said land cannot be stated to be unauthorized in any manner and does not amount to committing offence of criminal trespass. The complainant is not the owner of the land in dispute nor she owned the tractor in question. The ingredients for commission of offences punishable under Sections 427 and 451 of IPC are also not attracted against the petitioner. The proceedings have been initiated against him only to abuse the process of law. There are no chances of culmination of these proceedings into his conviction. With these broad submissions, it is urged that the impugned FIR is not sustainable in the eyes of law and is liable to be set aside along with its consequential proceedings.

5. The respondent No.1-State has filed reply submitting that on conducting thorough investigation, the involvement of the petitioner in the commission of subject offences stands established. The veracity of the allegations as levelled against the petitioner can be tested in the trial which is to take place before learned trial Court and no ground for quashing the FIR has been made out. Therefore, it is urged that the petition is liable to be dismissed.

6. The respondent No.2-complainant has also filed a separate reply taking the similar pleas and making prayer for dismissal of the petition. It is argued by her counsel that the petition is devoid of any merits. The land in question was in her possession and she had been getting it cultivated either through some other persons or by herself. The petitioner had forcibly taken possession of the same by criminally trespassing and taking possession of the same due to some matrimonial discord with her husband who is living abroad since long. She has been deserted by him. The power of attorney executed by him is being used as a tool to claim the possession of land in her cultivating possession and to deprive her of her lawful rights. The pendency of civil proceedings is not a ground to quash the criminal proceedings. The allegations make out a case for commission of subject offences by the petitioner. It is, therefore, argued that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions.

8. At the outset, it will be profitable to look into the scope and ambit of the Court's power under Section 482 Cr.P.C. (*which is pari materia with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023*) as spelt out in several judicial pronouncements of Hon'ble Supreme Court as well as different High Courts. The well settled proposition of law is that in exercise of inherent powers under Section 482 Cr.P.C., the High Court is not expected to analyze all the facts, which are to be placed before the High Court. The power conferred under this section is very specific. To secure the ends of justice, to prevent the abuse of process of Court or to make any such orders as may be necessary to give effect to any order under the Code, such power can be exercised to prevent abuse of process of

Court. The Hon'ble Supreme Court has drawn up some guidelines in some categories of cases by way of illustration to circumscribe the exercise of inherent power under Section 482 of Cr.P.C. to prevent abuse of process of any Court or to secure the ends of the justice or to give effect to an order of the Court. A celebrated pronouncement on this point is the case cited as ***State of Haryana Vs. Bhajan Lal : 1992 SUPP (1) SCC 335***, wherein Hon'ble Supreme Court had discussed different categories of cases wherein the power under Section 482 Cr.P.C. could be exercised either to prevent abuse of process of law or otherwise to secure the ends of justice, while observing that it might not be possible to lay down any precise, clearly defined, sufficiently channelized, inflexible guidelines or rigid formulae and to give an exhaustive list or myriad kind of cases where such powers should be exercised. The following principles have been culled out:-

“102 (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.”

9. The principles of law as laid down by Hon’ble Supreme Court in ***Bhajan Lal***’s case (supra) have been followed in a catena of judgments. In ***Paramjeet Batra vs. State of Uttarakhand, (2013) 11 SCC 673***, it was observed by Hon’ble Supreme Court that although the inherent powers of a High Court under Section 482 of the Code should be exercised sparingly and only for the purpose of preventing abuse of process of any Court or otherwise to secure ends of justice, yet, the High Court must not hesitate in quashing such criminal proceedings, where essential ingredients of the offence are not made out. In ***Mahendra K.C. vs. State of Karnataka,***

(2022) 2 SCC 129: (2022) 1 SCC (Cri) 401, Hon'ble Supreme Court observed that the test to be applied is whether the allegations in the complaint, as they stand, without adding or detracting from the complaint, prima facie establish the ingredients of the offence alleged. At this stage, the High Court cannot test the veracity of the allegations, nor, for that matter, can it proceed in the manner that a judge conducting a trial would, based on the evidence collected during the course of the trial. In ***Priyanka Jaiswal vs. State of Jharkhand*, 2024 SCC Online SC 685**, Hon'ble Supreme Court observed that the Court exercising extraordinary jurisdiction under Section 482 of Cr.P.C. cannot conduct a mini trial or enter into appreciation of evidence of a particular case. The following observations were made:

“13. We say so for reasons more than one. This Court in catena of Judgments has consistently held that at the time of examining the prayer for quashing of the criminal proceedings, the court exercising extra-ordinary jurisdiction can neither undertake to conduct a mini trial nor enter into appreciation of evidence of a particular case. The correctness or otherwise of the allegations made in the complaint cannot be examined on the touchstone of the probable defence that the accused may raise to stave off the prosecution and any such misadventure by the Courts resulting in proceedings being quashed would be set aside. This Court in the case of Akhil Sharda¹ held to the following effect:

“28. Having gone through the impugned judgment and order passed by the High Court by which the High Court has set aside the criminal proceedings in exercise of powers under Section 482 Cr.P.C., it appears that the High Court has virtually conducted a mini trial, which as such is not

permissible at this stage and while deciding the application under Section 482 Cr.P.C. As observed and held by this Court in a catena of decisions no mini trial can be conducted by the High Court in exercise of powers under Section 482 Cr.P.C. jurisdiction and at the stage of deciding the application under Section 482 Cr.P.C., the High Court cannot get into appreciation of evidence of the particular case being considered.”

10. Similar view was taken in ***Minakshi Yadav vs. State of Uttar Pradesh, 2024 SCC Online 643***, wherein Hon’ble Supreme Court observed that the Court would not be justified in embarking upon an inquiry as to the reliability and genuineness or otherwise of the allegations made in the FIR or the complaint at the stage of quashing of the proceedings under Section 482 of Cr.P.C.

11. Reference can further be made to ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303***, wherein Hon’ble Supreme Court observed that the power of the High Court in quashing a criminal complaint or an FIR, 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 accordance with the guidelines engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.

12. In ***Neeharika Infrastructure vs. State of Maharashtra : 2021 SCC OnLine SC 315***, the Apex Court observed that the Courts ought to be cautious in exercising powers under Section 482 of Cr.P.C. They do have

power to quash. The test is whether or not the allegations in the FIR disclose the commission of a cognizable offence? The merits of the allegations are not to be entered into nor the power of the investigating agency to investigate into allegations involving the commission of a cognizable offence is to be trenched upon.

13. Similar position of law was reiterated by Hon'ble Supreme Court in *Ajay Malik vs. State of Uttarakhand, 2025 SCC OnLine SC 185*, wherein it was observed as follows:

“8. It is well established that a High Court, in exercising its extraordinary powers under Section 482 of the CrPC, may issue orders to prevent the abuse of court processes or to secure the ends of justice. These inherent powers are neither controlled nor limited by any other statutory provision. However, given the broad and profound nature of this authority, the High Court must exercise it sparingly. The conditions for invoking such powers are embedded within Section 482 of the CrPC itself, allowing the High Court to act only in cases of clear abuse of process or where intervention is essential to uphold the ends of justice.

9. It is in this backdrop that this Court, over the course of several decades, has laid down the principles and guidelines that High Courts must follow before quashing criminal proceedings at the threshold, thereby preempting the Prosecution from building its case before the Trial Court. The grounds for quashing, inter alia, contemplate the following situations : (i) the criminal complaint has been filed with mala fides; (ii) the FIR represents an abuse of the legal process; (iii) no prima facie offence is made out; (iv) the dispute is civil in nature; (v.) the complaint contains vague and omnibus allegations; and (vi) the parties are willing to settle and

compound the dispute amicably (*State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335*).”

14. On applying the parameters as laid down by the Hon’ble Supreme Court in aforecited judgments to the peculiar facts of this case, this Court is of the considered view that no case is made out for exercise of inherent jurisdiction for quashing of the impugned FIR and consequential proceedings. At this stage, it needs to be noticed that the scope of interference under Section 482 Cr.P.C. is limited. While considering a prayer for quashing, the Court is not required to examine the correctness of allegations or evaluate the probable defence of the accused. The Court has only to see whether the allegations, if taken at their face value and accepted as they stand, disclose commission of cognizable offences. The defence sought to be projected by the petitioner can be tested only on the basis of evidence during trial.

15. In the present case, the complainant has specifically alleged that she had been in cultivating possession of the land in question and was getting the same cultivated through different persons from time to time. It is further alleged that after she leased the land to another person and got maize crop sown thereupon, the petitioner prevented cultivation, ploughed down the standing crop, forcibly entered into possession and also removed a tractor and trolley lying in her house besides extending threats. These allegations cannot be ignored at this stage merely because the petitioner has set up a rival claim based upon an alleged power of attorney and certain communications stated to have been sent by the husband of the complainant. Whether such authority was actually granted, what was its nature and extent, whether the petitioner acted within its scope and who was in actual possession are all questions which require appreciation of

evidence and cannot be conclusively determined in proceedings under Section 482 Cr.P.C.

16. So far as the offence punishable under Section 447 IPC is concerned, the submission of the petitioner that his entry over the land cannot amount to criminal trespass merely because he was claiming authority from the recorded owner cannot be accepted at this stage. The allegations in the FIR are not confined to a mere assertion of ownership or title. The complainant has categorically alleged that she was in actual cultivating possession and that the petitioner forcibly entered and took over possession against her wishes. It is settled that for the purpose of criminal trespass, the issue is not confined only to title but also extends to the nature and legality of possession. Whether the complainant was in settled possession or whether the petitioner was lawfully entitled to enter are matters requiring evidence and therefore cannot be adjudicated in inherent jurisdiction.

17. Similarly, no ground is made out to discard the allegation attracting Section 427 IPC. The complainant has specifically alleged that the maize crop already sown over the land was ploughed down by the petitioner. The destruction of standing crop resulting into loss to the person claiming possession cannot be brushed aside at this preliminary stage. Whether such crop existed, whether any loss was caused and under what circumstances the land was cultivated are again issues falling within the domain of trial.

18. The argument that ingredients of Section 380 IPC are not attracted also does not persuade this Court to interfere. The allegation in the FIR is that the petitioner removed the tractor and trolley from the house

of the complainant. Though the petitioner has sought to justify such act by asserting that the tractor had already been handed over to him by the husband of the complainant years earlier, however, at this stage, the Court cannot presume the correctness of that stand and reject the prosecution case. Once there is a specific allegation regarding removal of movable property from possession of another person without consent, the matter necessarily requires evidence before the trial Court. Similarly, the offence under Section 451 IPC also cannot be held to be wholly absent at this stage. The allegation is not merely regarding a dispute over agricultural land but also regarding entry into the house of the complainant and removal of articles therefrom. Whether such entry was authorized, whether the house was in possession of the complainant and whether the ingredients of house trespass are ultimately established are matters to be examined after evidence is led and not in proceedings seeking quashing.

19. The argument that civil proceedings are pending between the parties also does not advance the case of the petitioner. Merely because certain civil rights are being agitated before a civil Court does not erase criminal allegations where the factual assertions disclose ingredients of penal offences. Civil and criminal proceedings may proceed simultaneously if both disclose independent causes of action.

20. It is also significant that investigation in the present case already stands concluded and challan has been presented before the learned trial Court. The investigating agency, after examining the matter, found sufficient material to proceed further. At this stage, this Court would not be justified in entering into a detailed examination of disputed questions of possession, authority under power of attorney or ownership of the

movable property as the same would virtually amount to conducting a mini trial, which is impermissible in exercise of inherent powers. Accordingly, this Court does not find that the case falls within any of the categories carved out in *Bhajan Lal's case (supra)* so as to warrant quashing of the FIR. Hence, in view of the discussion made above, the petition being devoid of merit is dismissed.

21. Needless to observe that anything observed herein shall not be construed as an expression on the merits of the case and the learned trial Court shall proceed independently on the basis of evidence brought before it.

22. The Registry is directed to communicate this order to learned trial Court.

21.05.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

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