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

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CRM-M-20877-2026 (O&M)
Date of decision : 27.04.2026

Shamsher and others**...Petitioners****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Shailender Singh Gill, Advocate
for the petitioners.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for quashing of FIR No. 494 dated 08.12.2023, registered under Section 506 of IPC (Section 195-A of IPC added later on) at Police Station Civil Lines Kaithal, District Kaithal along with all the subsequent proceedings having emanated therefrom.

2. Brief facts of the case relevant for the purpose of disposal of this petition are the aforementioned FIR was registered on the basis of a written complaint filed by complainant/respondent No.2-Dalbir Singh Punia alleging that the petitioners along with one unidentified person had earlier kidnapped his cousin Rajbeer at gunpoint after intoxicating him. They allegedly obtained his thumb impressions and signatures on forged documents, including an agreement concerning 18 Kanal 19 Marla land situated in Patti Koth as well as receipts showing payment of ₹7.40 crores

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and other blank/typed papers, without any actual payment. It was further alleged that victim Rajbeer had submitted a written complaint to the Superintendent of Police concerned regarding the said acts and subsequently died due to the actions of the accused. In this regard, FIR No. 128 dated 04.04.2016 under Sections 420, 342, 120-B, 467, 471 and 306 IPC was already registered at Police Station City and the trial in that case is presently at the stage of evidence, wherein the complainant is a witness. The complainant also alleged that petitioner Shamsheer Singh and his wife have a history of falsely implicating individuals in rape cases for monetary gain. On 08.12.2023, during the lunch break while his cross-examination was ongoing, the complainant went to a tea stall near Chamber No. 30, where petitioner Krishan and an associate threatened to kill him. Later, near the court of Shri Krishan Kant, all the accused again threatened him with death if he deposed against them. On the basis of these allegations, the present FIR was registered and investigation proceedings were initiated. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioners are facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. The proceedings in the aforementioned FIR No. 128 have been going on smoothly since the year 2016 and the petitioners have never tried to threaten any witness. Even charge under Section 306 of IPC in the said case has been quashed by this Court. The complainant has got registered the present FIR only with a view to exert pressure upon the petitioners as the criminal as well as civil litigations are

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going on between them. A perusal of the FIR would show that not even a prima facie case for the alleged offences is made out. Initially, the allegations in the FIR were found to be false but the complainant has subsequently manipulated the same. The witnesses, whose statements were recorded under Section 161 of Cr.P.C. by the investigating officer, have not been mentioned as witnesses in the challan report. Rather, all the cited witnesses are interested ones and family members of the complainant. Charges against the petitioners have erroneously been framed by the learned trial Court while ignoring the aforementioned facts. There are no chances of the petitioners being convicted, even if the allegations in the FIR are considered to be correct. The proceedings have been initiated before the learned trial Court only with a view to abuse the process of law. With these broad submissions, it is urged that the petition deserves to be allowed and the impugned FIR along with all the subsequent proceedings is liable to be quashed.

4. Learned State counsel, who has advance notice of the petition and is ready to argue the matter, has argued that there are specific allegations against the petitioners. After completion of the investigation, *challan* has been presented. Trial has commenced. Thorough inquiry had been conducted in the matter and the allegations levelled against the petitioners were *prima facie* made out. The veracity of the allegations as levelled against the petitioners can be tested in the trial which is already taking 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.

5. The rival submissions made by the parties have been heard and

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given due deliberations by this Court, besides perusing the material placed on record carefully.

6. At the outset, it will be profitable to look into the scope and ambit of the Court's power under Section 528 of BNSS (*which is pari materia with Section 482 of Cr.P.C.*) 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

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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

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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. 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

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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.”

8. 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

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or the complaint at the stage of quashing of the proceedings under Section 482 of Cr.P.C.

9. 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.

10. 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.

11. 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

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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*)."

12. On applying the parameters as laid down by the Hon'ble Supreme Court in aforecited judgments to the peculiar facts of this case, it is revealed that the impugned FIR has been registered on the basis of specific and direct allegations of criminal intimidation levelled by the complainant, who is a witness in an earlier criminal case involving the same parties. The allegations pertain to threats extended during the course of trial proceedings, including at the court premises with the object of deterring the complainant from deposing. It is not in dispute that after investigation, challan has been

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presented, charges have been framed and the trial is already in progress. At this stage, the contentions raised by learned counsel for the petitioners regarding falsity of the allegations, previous conduct of the complainant or alleged improvements in the prosecution case essentially call for appreciation of evidence, which is impermissible in exercise of jurisdiction under Section 528 of BNSS. The plea that the present FIR is a counterblast to pending civil and criminal litigation, as well as the argument regarding absence of independent witnesses, are matters of defence, which can be effectively adjudicated upon by the learned trial Court during the course of trial. This Court cannot embark upon a mini trial or assess the veracity of such claims at this stage. From a bare reading of the FIR and material collected during investigation, a prima facie case under Sections 506 and 195-A IPC is made out. The allegations cannot be said to be inherently improbable or absurd so as to warrant interference under the parameters laid down in ***Bhajan Lal's case (supra)***. In view of the settled principles governing the exercise of inherent powers and considering that the proceedings are at an advanced stage, no case for quashing of the FIR or subsequent proceedings is made out. Accordingly, the present petition is dismissed.

13. Miscellaneous application(s), if any, also stand disposed of.

27.04.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

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