

**CRM-M-32834-2021****1****131****IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CRM-M-32834-2021****Date of decision : 22.01.2026****Sukhbir Singh and another****.....Petitioners****versus****State of Haryana and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ****Present :- Mr. Sandeep Goyat, Advocate  
for the petitioners.****Mr. Sumit Jain, Addl. A.G., Haryana.****Mr. Narender Kaajla, Advocate  
for respondent No.2.****RAJESH BHARDWAJ, J. (Oral)**

1. Prayer in the present petition has been made for quashing of impugned FIR No.765 dated 26.10.2020 under Sections 294, 34, 506 of IPC and Sections 3(2)(va) (1)R, (1)(S) of SC & ST Act, 1989 (Amendment 2015), registered at Police Station Hisar Sadar, District Hisar, Haryana and Final report under Section 173 Cr.P.C dated 17.11.2020 and all the consequential proceedings arising therefrom. Further prayer has been made for staying the further proceedings before ld. trial Court.

2. Succinctly, the facts of the case are that the present FIR has been lodged on the statement of Sunder Singh S/o Ramgopal, resident of village Juglan, Hisar, who belongs to Chamar caste. It was alleged that on

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25.10.2020 at about 11:00 PM, Krishan and Sukhbir, who hails from his village, went to the road where complainant's house is situated and under the influence of liquor started abusing him and also uttered casteist remarks. It was further alleged that these accused also threatened to kill the complainant. It was alleged that the motive behind the occurrence was that the complainant had earlier got lodged an FIR No.422 dated 05.08.2019 against accused-Krishan, wherein accused Sukhbir had given false evidence. Thus, the request was made to take legal action against the accused persons. On the registration of the FIR, investigation commenced.

3. It has been contended by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case as an act of vendetta. He has submitted that petitioner No.2 was falsely implicated by the complainant in FIR No.422 dated 05.08.2019 registered under Sections 294, 452, 506 of IPC and Section 3 of SC/ST Act at Police Station Hisar Sadar. He submits that petitioner No.1 had given statement before the Police in support of petitioner No.2 that he was falsely implicated by the complainant and thus, as an act of vendetta the complainant lodged the present FIR against petitioner No.1 and petitioner No.2, again. He submits that it is an admitted fact that respondent No.2/complainant had lodged 08 similar FIRs against various persons, however, out of those 08 FIRs, 06 FIRs have been sent for cancellation.

4. Learned counsel for respondent No.2/complainant has submitted that the petitioners were hurling abusive language in the name of mother and sister under the influence of liquor and also uttered caste

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remarks to respondent No.2/complainant. He submits that the allegations were well investigated and thus, chargesheet was submitted. He submits that the petitioners are habitual offenders, where 02 cases are pending against petitioner No.1 and 03 cases are pending against petitioner No.2, except the present one. He submits that charges have already been framed in the present case on 25.02.2021, still petitioners have prayed in the present petition for quashing of the final report as well as all other subsequent proceedings. He thus, prays for dismissal of the present petition.

5. Learned State counsel has also stated that there are specific allegations against the petitioners, wherein they under the influence of liquor had abused the complainant and also threatened to kill him. It is submitted that on completion of investigation, final report under Section 173 Cr.P.C. was presented against the petitioners. He submits that the offence in the present case is cognizable and the allegations levelled against the petitioners have been fully proved during the course of investigation. He submits that the complicity of the petitioners has been *prima facie* established, and charges have also been framed.

6. Heard learned counsel for the parties and perused the record. It is deciphered that the complainant has lodged the FIR against the petitioners on the allegations that under the influence of liquor, they had abused the complainant and also gave life threats. Admittedly, FIR No.422 dated 05.08.2019 had already been lodged by the complainant against petitioner No.2 (Krishan), wherein petitioner No.1 (Sukhbir Singh) had deposed in favour of petitioner No.2 and as submitted before



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this Court, this is motive behind registration of the present FIR. Record of the case would show that earlier also, the complainant had lodged 08 similar FIRs against various persons, details of which are as under:-

| <b>Sr. No.</b> | <b>Details of FIR etc.</b>                                                                               | <b>Present status</b>                                             | <b>Name of officer by whom recommendation for cancellation and by whom cancellation report was prepared.</b><br><b>Location of file.</b>                                                                                    |
|----------------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.             | FIR No. 199 dated 8.3.2015 under sections 323, 506, 34 IPC and Section 3(x). SC/ST Act PS Sadar Hisar.   | Cancelled on 7.5.2015.                                            | Recommended by Sh. Jasandeep Singh Randhawa, IPS, ASP, Hansi.<br><br>Prepared by Inspr. Lalit Kumar, SHO, PS Sadar Hisar.<br><br>The file/cancellation report is in S.P. Office, Hisar for completion of codal formalities. |
| 2.             | FIR No. 521 dated 1.6.2017 under section 506 IPC PS Sadar Hisar.                                         | Acquitted on 5.7.2019 by court of Sh. Manpreet Singh, ACJM, Hisar |                                                                                                                                                                                                                             |
| 3.             | FIR No. 118 dated 12.3.2019 under sections 341, 506, 34 IPC and Section 3 of SC/ST Act PS Sadar Hisar.   | Cancelled on 2.4.2019.                                            | Recommended by Sh. Amarjeet Kataria, HPS, DSP, Hqrs, Hisar.<br><br>Prepared by Inspr. Manoj Kumar, SHO, PS Sadar Hisar.<br><br>The file cancellation report is in S.P. Office, Hisar for completion of codal formalities.   |
| 4.             | FIR No. 422 dated 5.8.2019 under section 294, 452, 506 IPC and Section 3 of SC/St Act PS Sadar Hisar     | Canelled on 12.9.2019.                                            | Recommended by Sh. Sanjay Kumar, HPS, DSP, Barwala.<br><br>Prepared by Inspr. Manoj Kumar, SHO, PS Sadar Hisar.<br><br>The file /cancellation report is in S.P. Office, Hisar for completion of codal formalities.          |
| 5.             | FIR No. 478 dated 1.9.2019 under section 147, 149, 323, 506 IPC & Section 3 of ST/ST Act PS Sadar Hisar. | Cancelled on 3.1.2020.                                            | Recommended by Sh. Joginder Sharma, HPS, DSP, Law & Order, Hisar.<br><br>Prepared by Inspr. Manoj Kumar, SHO, PS Sadar Hisar.<br><br>The file cancellation report is in S.P. Office, Hisar for completion                   |
| 6.             | FIR No. 588 dated 20.11.2019 u/s 506 IPC & 3 SC/ST Act PS Sadar Hisar.                                   | Cancelled on 4.3.2020                                             | Recommended by Sh. Ashok Kumar, HPS, DSP/Hqrs, Hisar<br><br>Prepared by Inspr. Manoj Kumar, SHO, PS Sadar Hisar.                                                                                                            |



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|----|--------------------------------------------------------------------------------------------|-------------------------------------------|---------------------------------------------------------------------------------------------|
|    |                                                                                            |                                           | The file /cancellation report is in S.P. Office, Hisar for completion of codal formalities. |
| 7. | FIR No. 257 dated 15.4.2020 u/s 294, 452, 506 IPC & Section 3 of SC/ST Act PS Sadar Hisar. | Under trial. Fixed for PWs for 6.12.2021. | -                                                                                           |
| 8. | FIR No. 765 dated 26.10.2020 u/s 294, 506 IPC & Section 3 of SC/ST Act PS Sadar Hisar.     | Under trial. Fixed for Pws for 14.12.2021 | -                                                                                           |

7. Even though, the charges have been framed but the allegations as made in the FIR would show that there are no allegations levelled against the petitioners regarding utterances of any castiest remarks against the complainant. Also, lodging of various FIRs would show that complainant is a habitual litigant. It transpires that out of these eight FIRs lodged by the complainant, cancellation reports have been recommended by the Investigating Agency in six of the FIRs and, thus, the same would show that the complainant is habitual of lodging FIRs on the false and frivolous grounds only to harass the innocent persons and the case in hand also is of the similar nature. The complainant has earlier lodged an FIR No.422 dated 05.08.2019 against petitioner No.2, in which cancellation was filed on 12.09.2019.

8. Thereafter, Hon'ble Supreme Court in ***Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303*** further dealt with the issue and the earlier law settled by the Supreme Court for quashing of the FIR in ***State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335***. Para 61 of the judgment reads 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 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 serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like 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 pre-dominatingly 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.”*

9. This court notes that the petitioner is also charged under section 3 of the SC/ST Act, which is an offence arising out of a special statute. The mere fact that the offence is covered under a ‘special statute’ would not refrain this Court, from exercising its respective powers under Article 142 of the Constitution or Section 482 Cr.P.C. and proceedings can be quashed if continuation of proceedings would be an abuse of process of law.

10. Hon’ble Supreme Court in case of ‘**Ramawatar v. State of Madhya Pradesh, 2021 AIR (SC) 5228**’ has held as under:-

*“16. ....where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a ‘special*



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*statute' would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C."*

11. Weighing the facts and circumstances of the present case, on the anvil of law settled, this Court finds that the case in hand is covered by the ratio of the law laid down by Hon'ble Supreme Court. In the considered opinion of this Court, prosecution of the petitioners in the impugned FIR is nothing but an abuse of the process of the Court.

12. In view of the above discussion, this Court finds that no *prima facie* criminal offence is made out against the petitioners. Accordingly, the present petition is allowed. FIR No.765 dated 26.10.2020 under Sections 294, 34, 506 of IPC and Sections 3(2)(va) (1)R, (1)(S) of SC & ST Act, 1989 (Amendment 2015), registered at Police Station Hisar Sadar, District Hisar, Haryana and Final report under Section 173 Cr.P.C dated 17.11.2020 and all the consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

( RAJESH BHARDWAJ )  
JUDGE

22.01.2026

*ps-I*

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