

CRM-M-34961 of 2026(O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:089521



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Date of Order:02.07.2026

Kajal and another

..Petitioners

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Mohan Singla, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

SHALINI SINGH NAGPAL, J.

Prayer in the petition under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 is for quashing FIR No.76 dated
17.05.2023, under Sections 120-B, 406, 420, 419, 506 IPC, at Police Station
Sector 20, Panchkula and all consequential proceedings arising therefrom.

2. The facts, per FIR:

Complainant Anand son of Lalman, Rahul Raghav son of
Omsat Raghav and Jyoti daughter of Omsatt Raghav made a complaint to
Deputy Commissioner, Panchkula, against petitioners stating that they had
been posting news of Panchkula city on their social media channels. In the
past few days, several women of village Abhaypur approached them with
complaint of over charging by Kajal Sharma daughter of Sunil Sharma and
Kunal, who ran a CSC Center "Jyoti Enterprises". The ladies informed that

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they had charged Rs.2000/- to 2500/- and even more from them for preparation of BPL ration card, though it was a free Government scheme. When they went to the Center to get their money back, Kajal Sharma refused to return the money, whereupon the ladies approached them again and their grievance was uploaded on public platform. Kajal Sharma then went to Sector 19 police station and filed a false complaint against them alleging castiest slurs, extortion of Rs.10,000/-, a bottle of liquor and molestation. Kajal Sharma threatened them to remove the videos posted against her on the public platform, otherwise, to face dire consequences. Complainants further alleged that when they uploaded the videos of the ladies on facebook, Kajal Sharma and her husband used abusive and vulgar language and began making false, baseless allegations against them. Infact, Kajal Sharma did not belong to SC caste and was previously married to Kunal Sharma from whom she had a child. She had obtained a death certificate in respect of her first husband while he was still alive. She and her current husband Kunal had taken Government benefits through their CSC Center including widow pension. Another case was pending against Kajal Sharma and her husband Kunal in the Court. They previously ran a CSC Center in Sector 4, Panchkula from where they were removed for over charging. Legal action was prayed for.

3. Learned counsel for the petitioners submits that allegations levelled in the FIR were false, baseless and did not disclose commission of any cognizable offence. FIR was registered as a counter blast to prior proceedings initiated by the petitioner. Respondent No.2-complainant was operating an unregistered news related page on social media platform and

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malafidely uploaded and circulated pictures and videos of the petitioners, only to extort money from them, by putting them in fear and threat of registration of false case. Infact, petitioners were running a private Cyber Cafe, not a CSC Center. They were merely assisting public persons for filling up forms in a Private Computer Cafe. Action of respondent No.2 was illegal and amounted to misuse of social media platform. A complaint dated 20.01.2023 was moved by the petitioners against respondent No.2 and her associates to the police, to counter which the present case was got registered. When the matter was first investigated by the police, no cognizable offence was found to be committed. Thereafter, complainant again moved another complaint against the petitioners wherein investigation was done by ACP Panchkula, who found no dispute between the parties. During investigation, CSC District Magistrate, Panchkula vide his letter dated 30.01.2023 (Annexure P-8) stated that there was no record in their office with regard to running of CSC Center in the name of Kajal and Jyoti Enterprises. Three independent investigation reports were ignored and petitioners were illegally involved in the FIR. No record was found regarding running of CSC Center by the petitioners, yet challan was presented before the Court and charges were framed in routine. Allegations in the FIR were outrightly false and no offence was made out even if the allegations were admitted.

4. In ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, Hon'ble Supreme Court has laid down following parameters for exercise of jurisdiction under Section 482 Cr.P.C. (now 528 BNSS) for quashing of FIR:

“(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

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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 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;

(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 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;

(e) 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;

(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.”

5. The observations of Hon’ble the Supreme Court in ***Hira Lal v. State (Govt. of NCT) Delhi***, 2003 SCC(Cri)2016, also need to be referred as under:

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‘It is a firmly established principle that, while examining a petition for quashing under Section 482 of the Cr.P.C., the court must refrain from conducting a mini-trial or undertaking a detailed evaluation of the evidence. The inherent power to quash criminal proceedings is to be exercised only in rare and exceptional circumstances, such as where the allegations in the FIR are patently absurd, inherently improbable, or fail to disclose any cognizable offence. When the FIR or complaint, on its face, discloses the basic ingredients of a cognizable offence, the appropriate course is to allow the process of investigation and trial to continue, rather than prematurely terminating the prosecution at an interlocutory stage. Interference at this stage would not only impede the investigative process but also defeat the very object of criminal justice.’

6. The inherent power to quash criminal proceedings in the exercise of jurisdiction under Section 528 BNSS is to be exercised in rare and exceptional circumstances only where continuation of proceedings would amount to gross miscarriage of justice or would result in abuse of the process of law. While considering a petition for quashing FIR, Court cannot undertake a detailed scrutiny of evidence nor it can adjudicate disputed questions of facts. A bare reading of the FIR, contents whereof are reproduced hereinabove *prima-facie* discloses basic ingredients of cognizable offence(s).

7. Allegations against the petitioners are specific and their claim that they were not charging any amount from public persons for preparation of BPL cards and were merely assisting them in filling forms in their Private Cyber Cafe, can be determined only on the basis of evidence to be led during the course of trial. At this stage, it is not the function of the Court to weigh the pros and cons of the prosecution case nor can the FIR be quashed on the plea that it is a counter blast. After going through the contents of the

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FIR, it is not found to be an exceptional case of malafide initiation of proceedings.

8. It has been settled in *State of Haryana and others vs. Ch. Bhajan Lal and Ors* 1992 SCC (Cri) 426 and *Neeharika Infrastructure v. State of Maharashtra*, (2021) 19 SCC 401 that an FIR should not be quashed merely on the basis of an alternate version or defence, unless it clearly falls within the well demarcated categories laid down by Hon'ble Supreme Court for the exercise of jurisdiction under Section 482 Cr.P.C. (now Section 528 BNSS). The case in hand does not fall within any such exception.

9. For the reasons above, the Court finds no ground to invoke inherent jurisdiction for quashing the FIR at this initial stage, when investigation is still pending. There is no merit in the petition, which stands dismissed.

10. The petitioners shall, however, be at liberty to raise all the pleas before learned Trial Court at the appropriate stage.

All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

02.07.2026

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Whether speaking/reasoned : Yes

Whether reportable : No