

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

CRM-M No.35051 of 2025 (O&M)

Reserved on: 10.02.2026

Date of Decision :12.02.2026

Surjit Singh @ Raju and others

.....Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Prateek Sodhi, Advocate for the petitioners.

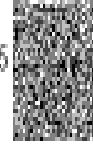
Ms. Shaveta Sanghi, DAG, Haryana.

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

SURYA PARTAP SINGH, J. (Oral):

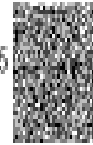
While invoking the extraordinary jurisdiction of this Court, provided by Section 482 Cr.P.C., the quashing of a criminal complaint, i.e. COMI-42-2019, has been sought. The above mentioned complaint is with regard to commission of offence punishable under Sections 323, 324, 326, 452 148 and 149 IPC, pending in the Court of Sub Divisional judicial Magistrate, Patti.

2. In nutshell the facts emerging from record are that with regard to an incident dated 19.10.2015, for the commission of offence punishable under Sections 323, 148 and 149 IPC, the FIR No.303 dated 23.10.2015 was lodged in Police Station Patti District Taran Tarn. The above mentioned FIR was lodged against the petitioners and one more person 'Parvinder Singh' on the



complaint of 'Jagjit Singh'. The record further reveals that once the FIR was lodged, the investigation was conducted by the police and during the course of investigation it was found that allegations contained in the FIR, with regard to use of deadly weapons and disrespect to the turban, were false. Resultantly a cancellation report was prepared by the Investigating Agency and the same was filed in the Court of learned Judicial Magistrate. Once the above mentioned cancellation report dated 12.09.2016 was filed the learned Court of Magistrate issued notice to the complainant 'Jagjit Singh', the father of respondent No.2. The record further shows that on 13.04.2017 'Jagjit Singh' stated before the Court that he had no objection in accepting the cancellation report, (in National Lok Adalat dated 09.09.2017), and therefore, the above mentioned cancellation report was accepted.

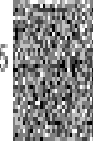
3. In the backdrop of above mentioned facts the present complaint was filed by the complainant-respondent No.2, hereinafter being referred to as respondent No.2 only, alleging therein that a piece of land ad measuring 10 marla was purchased by him from 'Surjit Singh @ Raju' in the name of his parents and a building was constructed thereupon. According to complainant on 19.10.2015 at about 2.00 P.M. Sahib Singh electrician was working in the above mentioned building with an electric cutter, but 'Surjit Singh @ Raju' (petitioner No.1) raised the objection & stopped 'Sahib Singh' from working. As per complainant, when 'Sahib Singh' reported the above mentioned incident to the father of respondent No.2, the father of respondent No.2, namely 'Jasjit Singh @ Jagjit Singh' requested the petitioner No1. not to interfere in the work of Sahib Singh.



4. It was further alleged by the respondent No.2 that the petitioners did not pay heed to the request of father of respondent No.2 and picked up quarrel with him. As per complainant, he was joined by 'Ravinder Singh' (petitioner No.3) armed with baseball bat, 'Parvinder Singh' armed with kirpan (sword), 'Darshan Kaur' (petitioner No.2) 'Harpreet Kaur' (petitioner No.5) and Rimpi (petitioner No.4). According to complainant they all launched attack upon 'Jasjit Singh' and inflicted injuries on his person, removed his turban and dragged him out of the building. It was also alleged by the complainant that upon hearing commotion he and his brother 'Shamsher Singh' rushed to the spot, but they too came under attack and suffered injuries. As per complainant when they screamed for help the neighbours started gathering on the spot due to which assailants fled from the spot.

5. Heard.

6. It has been contended on behalf of petitioners that the filing of complaint by the respondent No.2 is nothing but an abuse of process of law. According to learned counsel for the petitioners the present case is the classic example wherein a criminal case initiated on the basis of FIR culminated into cancellation of FIR with the consent of complainant who was the prime injured, and after two years of giving consent for cancellation of FIR, the son of the same complainant has filed a complaint, wherein all the facts pertaining to former FIR have been concealed. According to learned counsel for the petitioner another remarkable fact to be taken into consideration in the present case is that 'Jasjit Singh @ Jagjit Singh', who was complainant in the FIR, and gave consent for closure of FIR by accepting the cancellation report, has

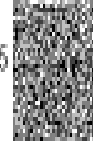


appeared in the present complaint as a witness before the Court of learned Sub Divisional Judicial Magistrate, Patti, hereinafter being referred to as 'trial Court' only. The above named person even deposed in favour of respondent No.2, but did not disclose the fact that with regard to same incident the investigation has already been conducted by the police, and the FIR has been cancelled on the ground that the allegations were not proved.

7. In addition to above, the learned counsel for the petitioner has also contended that another relevant aspect to be taken into consideration is that the acceptance of cancellation report submitted by the police, with the consent of father of respondent No.2, amounts to permanent closer of the case, at par with the acquittal, and therefore, on the basis of same allegations another prosecution cannot be launched.

8. As per learned counsel for the petitioner the second important aspect to be considered in the present petition is that the learned trial Court without complying with the mandatory provisions, enshrined under Section 210 Cr.P.C., and without considering the report, submitted by the police, has straight away passed the summoning order. While claiming that factual aspect of the present case have not been properly appreciated by the learned trial Court, and that the mandatory legal provisions have been ignored, it has been contented by learned counsel for the petitioner that the impugned summoning order, passed by the learned trial Court, and the complaint, deserve to be quashed.

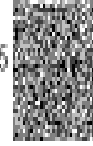
9. The learned counsel for the respondent No.2 has controverted the above mentioned arguments. It has been contended by leaned counsel for the



respondent No.2 that firstly, the present petition has been filed with *mala fide* intentions just to wriggle-out of the consequences of offence committed by the petitioners, and secondly, by proper appreciation of facts as well as law a right conclusion has been drawn by the learned trial Court, which does not warrant the exercise of extraordinary jurisdiction of this Court.

10. According to learned counsel for the respondent No.2 with regard to the incident wherein injuries on the person of respondent No.2 were inflicted, adequate preliminary evidence was adduced by the respondent No.2 before the learned trial Court, and that the learned trial Court after considering the above mentioned preliminary evidence, and all the relevant aspects involved in the case, including the factum of filing of FIR and cancellation report, has passed the summoning order, which has already been examined in depth by the Court of Session in the revision petition. As per learned counsel for the respondent No.2 in the above mentioned eventuality the present petition is not maintainable.

11. It has also been contented by learned counsel for the respondent No.2 that this petition is not maintainable as earlier also similar petition was filed by the same set of petitioners in this Court, i.e. CRM-M-19215-2024 (Surjit Singh and others Vs. State of Punjab and others), and that the same was dismissed. According to learned counsel for the petitioners the learned trial Court has rightly appreciated that while accepting the cancellation report the statement of injured, i.e. the respondent No.2, was not recorded, and therefore, the above mentioned cancellation report could not have been accepted. As per learned counsel for the respondent No.2 as the respondent No.2 being injured



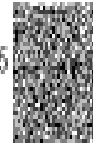
in an aggrieved party, he has got a right to file complaint, and that his right is independent of the right of his favour.

12. The record has been perused carefully.

13. At the very outset, it is pertinent to mention here that in the former quashing petition, filed by the petitioners, there was no order on merit with regard to maintainability of the complaint or the summoning order. Rather the above mentioned petition was dismissed as withdrawn and the liberty was given to the petitioner to take the grounds taken in the former petition before the Court of competent jurisdiction. Pursuant to above mentioned order, the petitioners approached the Court of Sessions, by filing a revision petition, which was eventually the Court of competent jurisdiction, and when the petitioners failed in the above mentioned revision petition, the present petition has been filed. Thus, it is hereby held that the order dated 20.04.2024 passed in CRM-M-19215-2024 has no bearing on the present petition.

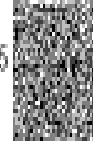
14. As far as the factual matrix of the present case is concerned there are several aspects which are necessary to be taken into consideration:

- a) that the incident in question had taken place on 19.10.2015 and with regard to the same incident at the instance of father of respondent No.2 the FIR was lodged on 23.10.2015. From the date of incident dated 19.10.2015 till the date of filing of complaint on 30.04.2019 no step was taken by the respondent No.2 to initiate prosecution against petitioners. The above mentioned fact shows that the FIR wherein father of respondent No.2 was the complainant was initiated by the father of the



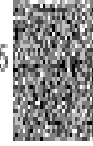
respondent No.2 with the consent of respondent No.2. If the respondent No.1 was having separate grievance, the FIR or the complaint would have been filed by the respondent No.2 being prime injured in the year 2015 itself;

- b) that the learned trial Court has failed to appreciate the fact that the present complaint was filed after a delay of more than 4 years, and that, too, after the acceptance of cancellation report, which was not opposed by the father of respondent No.2. This crucial aspect should have been considered by the learned trial Court before summoning of petitioners as accused, but the same has not been properly considered;
- c) that the next relevant aspect to be taken into consideration is that the impugned order passed by the learned trial Court speaks of the cancellation report but the same is silent about the contents of above mentioned cancellation report. With regard to above, before filing of above mentioned cancellation report definitely the investigation would have been conducted by the Investigating Agency and in the above mentioned investigation some evidence must have been collected. Thereafter, only this conclusion was possible to be drawn by the investigating agency that FIR deserved to be cancelled. However, the summoning order is absolutely silent about the material/evidence which was considered by the investigating Agency before preparing the cancellation of FIR;



- d) that the impugned order shows that the former proceedings conducted by the police with regard to the same incident have been simply brushed aside by the learned trial Court, by observing that while accepting the cancellation report the Court of learned Magistrate did not record the statement of respondent No.2. As far as the above mentioned observations is concerned, the father of complainant being the only complainant in the FIR there was no requirement for recording of statement of respondent No.2 before accepting the cancellation report, particularly when the respondent No.2 had not raised any grievance, till that day, before any forum;
- e) that for the sake of arguments even if it is accepted that an error was committed by the learned Court while accepting the cancellation report. When it accepted in the cancellation report without the statement of respondent No.2, even then the learned trial Court should not have considered itself as if it was sitting in appeal wherein any error committed by the predecessor could have been looked into. If any error was committed by the Court of learned Judicial Magistrate while accepting the cancellation report, the remedy available to the aggrieved party was to knock the door of revisional Court and not to file a separate complaint.

15. In the present case, it is also relevant to note that the collusion between the respondent No.2 and his father is quite apparent. The aforesaid

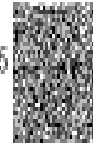


collusion is founded on following factors:

- i) that although as per claim of respondent No.2 he was the person who suffered serious most injuries, but the FIR was lodged by the father of respondent No.2, and not by the respondent No.2 himself, which shows that there was a tacit consent of respondent No.2 in favour of his father, for filing a complaint before the police, which culminated into FIR;
- ii) that till the proceedings with regard to above mentioned FIR were going on, i.e. till the acceptance of cancellation report in 2017, no step was taken by the respondent No.2 to launch a prosecution against the petitioner;
- iii) that in the complaint which was filed in the year 2019, i.e. after a delay of more than 1 ½ year from the date of acceptance of cancellation report, the father of respondent No.2 appeared as an eye-witness of the occurrence and deposed in favour of respondent No.2.

16. If the above mentioned factual matrix is analysed, in the light of relevant principles of law it transpires that this plea of the respondent No.2 does not convince a prudent mind that he was alien to the proceedings which was conducted with regard to the same incident at the instance of his father, and culminated into acceptance of cancellation report.

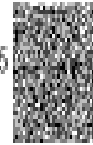
17. With regard to a situation where FIR/complaint can be quashed the relevant law has been laid down by the Hon'ble Supreme Court of India in the case of 'State of Haryana Vs. Bhajan Lal', 1992 Suppl. (1) SCC 335,



R.P.Kapoor Vs. State of Punjab AIR 1960 Supreme Court 866 and Gian Singh VS. State of Punjab (2012) 10 Supreme Court Cases 303.

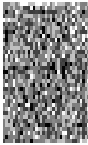
18. In the case of '*Bhajan Lal (supra)*', the Hon'ble Supreme Court of India after reviewing large number of cases on the question of quashing of FIR has laid down that the FIR can be quashed in the following circumstances:-

- 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.

19. If the facts and circumstances of the present case are analysed in the backdrop of above mentioned fact, it transpires that an error judgment has been committed by the learned trial Court, vis-a-vis the learned Revisional Court, when both of them failed to appreciate the fact that once a proceeding with regard to same incident, initiated on the basis of FIR, was closed with the consent of the complainant, and the factual matrix of the present case shows that in closing the above mentioned FIR there was implied consent of the



respondent No.2, qua the same incident prosecution on the basis of subsequent complaint is nothing but an abuse of process of law. Rather, it will amount to re-opening of the case which already stands closed is a legal manner. Thus, it is hereby held that the present case is a fit case wherein an extraordinary jurisdiction vested in this Court, by virtue of Section 482 Cr.P.C., should be exercised.

20. In view of above mentioned observations, finding merits in the present petition, the same is hereby accepted and the impugned summoning order dated 19.03.2024, passed by the learned trial Court vis-a-vis complaint No. COMI-42/2019, filed by the respondent No.2, are hereby quashed.

21. Pending miscellaneous application(s), if any, also stands disposed.

(SURYA PARTAP SINGH)
JUDGE

12.02.2026
Manoj Bhutani

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