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

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Decided on : 11.02.2026

Jaswant Singh & Ors.

..... Petitioners

VERSUS

State of Punjab & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Ms. Aakanksha, Advocate for the petitioners.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J.

1. The petitioners, who are facing trial for the commission of offence punishable under Sections 329(3), 351(3) and 190 of Bharatiya Nyaya Sanhita, 2023, vide FIR No.122 dated 26.05.2025, have filed the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of abovementioned FIR.

2. In nut-shell, the facts emerging from record are that the FIR of this came into being at the instance of 'Baljinder Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant before the police that he was owner in possession of big chunk of land including the land comprised in Rectangle No.41, Killa No.18/Min (8-0) and was duly recorded in the jamabandi for the year 2022-23.

According to complainant, he along with his uncle 'Gurcharan Singh' had



purchased a land ad-measuring 8 kanal 4 marla from 'Harbans Singh' on 23.11.2024, and that they were placed in actual physical possession of the purchased land.

3. As per complainant, on 14.05.2025 at about 07:00 am, when his uncle 'Gurcharan Singh' was working in his field, Jaswant Singh along with Daler Singh, Gurpreet Singh, Rajinder Singh, Karam Singh, Jasvir Singh, Kulwinder Singh, Gurtej Singh, Sandeep Singh (petitioners No.1 to 9 respectively) and 4-5 unknown persons came in a car, bearing registration No.CH01-AT-5851, belonging to 'Jaswant Singh' and a Farm 60 tractor, belonging to 'Daler Singh', and started ploughing their fields. According to complainant, when his uncle tried to stop them, they threatened his uncle, who had to leave the abovementioned field out of fear.

4. It is the case of the prosecution, that in view of abovementioned information formal FIR of this case was lodged and the investigation taken up.

5. **Notice of motion to respondent No.1.**

6. Mr. Eklavya Darshi, Deputy Advocate General, Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with.

7. It has been contended on behalf of petitioners that the abovementioned FIR has been filed on false ground, and that in fact, the petitioners are owner in possession of land comprised in Rectangle No.41,



Killa No.18/min (8-0). According to learned counsel for the petitioners, on 14.05.2025 the crop of chilli sown by them was crushed by the respondent No.2, and when the enquiries were made by the petitioners, they came to know that the respondent No.2 in connivance with others had got the revenue entry of the abovementioned land, in Khasra Girdwari, changed in illegal manner.

8. According to learned counsel for the petitioners, the respondent No.2 along with some unknown persons had tried to take over the possession of abovementioned land, but it was resisted by the petitioners, and thereafter they thrashed the petitioners and inflicted injuries on their person. It has been further contended that after one week of the abovementioned incident, i.e. on 21.05.2025, the petitioners and respondent No.2 were summoned by SHO concerned at about 06:00 pm, when the SHO concerned misbehaved with the petitioners and subjected him to third degree torture.

9. It has been further contended by learned counsel for the petitioners that thereafter proceedings under Sections 126/170 of BNSS were initiated against the petitioner No.1 and the petitioner No.1 was produced before the SDM Malout, who admitted him to bail. According to learned counsel for the petitioner, on 23.05.2025, he had visited Civil Hospital Malout and moved a complaint to SSP Sri Muktsar Sahib, but no action has been taken on the complaint of petitioner. It has also been contended by learned counsel for the petitioners that in fact the dispute between the petitioners and the complainant is of civil nature, which has been wrongly



converted into a criminal case. While claiming that the abovementioned course adopted by the respondent No.2 is nothing, but an abuse of process of law, the learned counsel for the petitioners has sought for quashing of the FIR in question.

10. The abovementioned arguments have been controverted by the learned State Counsel. It has been contended by learned State Counsel that in the present case, there are very specific allegations against the petitioner with regard to commission of abovementioned offence. As per learned State Counsel at this stage, any finding cannot be returned, as to whether the allegations levelled by the complainant/respondent No.2 are true or not. As per learned State Counsel, on the basis of allegations contained in the FIR, essential ingredients meant for the commission of offence punishable under Sections 329(3), 351(3), and 190 of BNS are made out and therefore, quashing of FIR without giving opportunity to the parties to lead their respective evidence may result into miscarriage of justice.

11. The record has been perused carefully.

12. With regard to scope and indulgence of this Court for exercising extraordinary jurisdiction, the guiding principles, wherein extraordinary jurisdiction for quashing of FIR can be exercised, have been laid down by the Hon'ble Supreme Court of India in the case of 'Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others' 2021 SCC OnlineSC 315. Those guidelines prescribe that:



- “a) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the ‘rarest of rare cases (not to be confused with the formation in the context of death penalty).
- b) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;
- c) Criminal proceedings ought not to be scuttled at the initial stage;
- d) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- e) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;
- f) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- g) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court;
- h) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur and Bhajan Lal, has the jurisdiction to quash the FIR/complaint;

13. In addition to above, in the case of ‘State of Haryana Vs. Ch.



Bhajan Lal', 1991(1) RCR 383, 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 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.
- e) 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.
- f) 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.

14. A perusal of record shows that in the present case, the contents of FIR are very specific qua the fact that in revenue record, the respondent No.2 and his uncle were owner in possession of property, which is bone of contention between the parties. In addition to above, the contents of FIR also show that there are allegations against the petitioners of threatening the uncle of respondent No.2 while ploughing the disputed property. Since to adjudge the credibility of abovementioned allegations, trial is necessary to be conducted, it cannot be held in this quashing petition, i.e. without appreciate of evidence, that filing of FIR and challan, by the police, there is any abuse of process of law.

15. Taking into consideration the above-discussed factual matrix of the case, coupled with the issues involved in the present petition and the relevant laws, it is hereby held that the present petition being devoid of merit deserves dismissal. The same is hereby *dismissed*, accordingly.

16. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

11.02.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No