



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-62057 of 2025

Date of Decision: 11.02.2026

Chhotu Chaudhary and Another

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Gaurav Verma, Advocate
for the petitioner(s).

Ms. Shaveta Sanghi, Deputy Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only, has been filed for quashing of FIR No. 22 dated 26.08.2023 under Section(s) 120-B, 419, 420, 467, 468 and 471 of the Indian Penal Code, 1860, Police Station Cyber Sonipat, District Sonipat, Haryana.

2. The above mentioned FIR came into being at the instance “Anil Singla” hereinafter being referred to as “complainant” only. It was complained by the above named complainant that by using ‘google search’ his wife, who wanted ayurvedic treatment from ‘Patanjali Yog Peeth’, searched the contact number of ‘Patanjali Yog Peeth’ and when she called the abovesaid number somebody impersonated himself as a doctor of ‘Patanjali Yog Peeth’ and prescribed treatment to the wife of complainant. As per complainant the doctor introduced himself as “Dr. Rohit Gupta” and called upon the wife of complainant to deposit ₹60,000/- as advance fee for

the treatment. As per complainant, in two instalments his wife transferred a

sum of ₹60,000/- in two equal instalments into the account given to her by the above said person. It was also stated by the complainant that the above said person confirmed the booking of his wife and asked her to report to 'Patanjali Yog Peeth' on 18.08.2023 and when the complainant along with his wife went to 'Patanjali Yog Peeth', on 18.08.2023 they came to know that they have been subjected to online fraud.

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

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Ms. Shaveta Sanghi, Deputy Advocate General, Haryana accepts notice on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

6. Heard.

7. It has been contended on behalf of petitioners that with regard to dispute in question a compromise was arrived at between the petitioners and the complainant, and that in view of above-mentioned compromise which was reduced into writing, a sum of ₹60,000/- was paid by the petitioners to the complainant. As per learned counsel for the petitioners for the recognition of above mentioned compromise and quashing of present FIR a petition for quashing was also filed by the petitioners but the complainant backed out of the compromise. According to learned counsel for the petitioners neither the complainant has returned the money already received by him nor he has withdrawn the FIR. Hence, the present petition.

8. In addition to above, learned counsel for the petitioners has also argued that the petitioners are innocent having no nexus, whatsoever, with the commission of crime, and that they have been roped in the instant case merely on the basis of disclosure statement of co-accused, and circumstantial suspicion. As per learned counsel for the petitioners there is no legally admissible evidence against the petitioners, and that out of total amount of ₹60,000/- only a sum of ₹6,000/-and ₹9,000/-, respectively, have been recovered without any corroboration and transaction trail. It has also been contended by learned counsel for the petitioners that the police has tried to build up its case by alleging that the mobile phone used for the purpose of transaction was recovered from the possession of petitioners, but the above-mentioned claim of the prosecution does not carry the backing of forensic evidence.

9. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel, no ground for quashing of FIR is made out.

10. The record has been perused carefully.

11. As far as the parameters/guidelines for quashing of FIR are concerned, they have been prescribed by the Hon'ble Supreme Court of India through various judicial pronouncements. In the case of 'Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others' 2021 SCC Online SC 315, those guidelines prescribe that:

“a) Courts would not thwart any investigation into the cognizable offences;

- b) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;
- c) 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);
- d) 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;
- e) Criminal proceedings ought not to be scuttled at the initial stage;
- f) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- g) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;
- h) The functions of the judiciary and the police are complementary, not overlapping;
- i) 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;

- j) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- k) 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; And
- l) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR.”

12. 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 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.

13. Similarly in the case of ‘Sadiq B. Hanchinmani Vs. State of Karnataka’, 2025 AIR Supreme Court 5486, the Hon’ble Supreme Court of India has ruled that police investigation should be allowed to proceed unless exceptional circumstances warrant intervention. According to Hon’ble Supreme Court of India the High Court should not interfere with the investigation when allegations in FIR disclose cognizable offences.

14. In the case of ‘M/s Balaji Traders Vs. The State of U.P. & Another’ 2025(3) RCR (Criminal) 175, the Hon’ble Supreme Court of India has ruled that jurisdiction of quashing of FIR should be exercised sparingly in the ‘rarest of rare cases’. As per Hon’ble Supreme Court of India allegations in FIR or complaint must be taken at face value and accepted in their entirety to assess whether they disclose a cognizable offence.

15. In the case of ‘Muskan Vs. Ishaan Khan (Sataniya)’, 2025 SCC Online 2355, the Hon’ble Supreme Court of India held that the Court should not conduct a mini-trial at the stage of quashing and that quashing of FIR should be an exception and exercised sparingly in rarest of rare cases. The Hon’ble Supreme Court of India has further held that Courts cannot embark

upon an enquiry as to the reliability or genuineness of allegations made in the FIR/complaint.

16. In the light of above mentioned legal propositions, if the facts and circumstances of the present case are analyzed, it transpires that the arguments addressed by learned counsel for the petitioners are two fold-

- I) firstly that the petitioners had entered into compromise with the complainant, paid him the entire money but the complainant backed out of his commitment.

To support his above mentioned arguments learned counsel for the petitioners has contended that a quashing petition has been filed in the Court but due to non-cooperation by the complainant the same had to be withdrawn.

As far as the above mentioned argument is concerned, in view of the fact that the petitioners have been unsuccessful in quashing the petition filed on the basis of compromise, they cannot take advantage of the above mentioned fact in the present case. Thus, it is hereby held that on the basis of above mentioned plea the petitioners cannot claim the quashing of FIR;

- II) that the second limb of argument of learned counsel for the petitioners has been that the allegations with regard to involvement of petitioners in the commission of crime are false, and that any reliable evidence for the above mentioned purpose has not been collected.

Qua this aspect, the learned counsel for the petitioners has referred to the deficiency in prosecution evidence, such as failure to collect forensic evidence with regard to involvement of mobile phone of the petitioners and also the transaction of money through the bank account of petitioners. In addition to above, it has also been pointed out by learned counsel for the petitioners that except the disclosure statement of co-accused there is nothing on record to prove the proximity of petitioners with the commission of crime.

17. With regard to above it is relevant to note that the stage of producing evidence before the trial Court is yet to arrive and the plea raised by the petitioners with regard to quashing of FIR on merits due to lack of evidence, can be adjudicated upon on conclusion of trial only. As per settled principles of law, when there are very specific allegations of the commission of fraud, and during investigation certain evidence has been collected by the Investigating Agency, it cannot be held that any ground for quashing of FIR is made out.

18. As a sequel of above-mentioned observations, it is hereby held that the present petition seeking for quashing of FIR is devoid of merits and deserves dismissal. Hence, the present petition is hereby **dismissed**.

(Surya Partap Singh)
Judge

February 11, 2026

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No