



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M No.70327 of 2025 (O&M)  
Date of Decision :13.01.2026

Neeraj Aggarwal and others

.....Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Yash Dev Kaushik, Advocate for the petitioners.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 323, 506 and 34 of Indian Penal Code (hereinafter being referred as IPC only), the FIR No.0926 dated 01.12.2023, has been lodged in Police Station Sector-8, Faridabad District Faridabad. The petitioners have been implicated as accused in the above mentioned case and they are being prosecuted for the commission of above mentioned offence. Petitioners are aggrieved of their prosecution vide above mentioned FIR and, therefore, they have filed this petition for quashing of FIR.

2. In nut-shell the facts emerging from record are that, at the instance of 'Rakesh Kumar', hereinafter being referred to as 'complainant' only, the FIR was lodged and that he had stated that he was running a shop in the name and style of 'Dynamic' at Faridabad, and that on 01.12.2023, four persons armed with sticks and pistols came there assaulted him with a stick and



inflicted injury on his person. It was also stated by the complainant that even the pistol was displayed by one of the assailants but with the interventions of neighbours he was saved.

3. It is the case of the prosecution that on the basis 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, Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana, appears on behalf of respondent-State, and waives service. He has not opted to file reply in writing. However he has orally opposed the present petition.

6. Heard.

7. It has been contended by learned counsel for the petitioners that petitioners are innocent having no nexus, whatsoever, with the commission of crime and that they have been falsely implicated in the present case. It has also been contended by leaned counsel for the petitioners that all the petitioners are members of the same family, and that merely on the basis of statement of complainant they are likely to face the agony of prosecution. It has also been pointed out by learned counsel for the petitioners that otherwise also the allegations against the petitioners for the commission of offence punishable under Sections 323, 506 and 34 of IPC are unfounded, as there is no medico-legal report to support the claim of the complainant to support his claim that he had suffered any injury in the incident.

8. In addition to above, the learned counsel for the petitioners has



also pointed out that one of the relevant part to be taken note-of in the instant case is that the statement of complainant itself has not been found to be true by the police as in his statement the complainant had reported to the police that one of the assailants was carrying a pistol but qua that aspect his statement has not been believed by the Investigating Officer. The learned counsel for the petitioners has further contended that the petitioners are innocent, who, are being subjected to harassment due to filing of false FIR.

9. It has also been contended by learned counsel for the petitioners that during the course of investigation also no cogent and reliable evidence has been collected by the Investigating agency, and therefore, the FIR in question, and the subsequent prosecution of petitioners is nothing but an abuse of process of law. While referring to the principles of law laid down by the Hon'ble Supreme Court of India in the cases 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, the learned counsel for the petitioners has sought for quashing of present FIR.

10. The learned State counsel has controverted the above mentioned arguments. It has been contended by learned State counsel that in the present case there are very specific and categorical allegations against the petitioners and that the veracity of allegations with regard to involvement of petitioners in the commission of offence can be ascertained by conducting a full fledged trial only. As per learned State counsel merely, on the basis of a plea that false allegations have been levelled the FIR cannot be quashed.



11. In support of his argument, the learned State counsel has referred to the principles of law 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 Online SC 315'.

12. The record has been perused carefully.

13. A perusal of record shows that in the present case the only plea taken by the petitioners, while seeking the quashing of FIR, is that the complainant had made a false statement in his statement before the police, qua the fact that a pistol was used and that part of his statement was found to be false. As far as the above mentioned plea is concerned, in view of the fact that investigation in the present case has already been conducted and with regard to allegations under Section 323, 506 and 34 IPC the same investigating agency has believed the statement of complainant, in my opinion, at this stage, when the trial is yet to be concluded it is not possible to ascertain as to whether the allegations levelled by the complainant against the petitioners are true or not.

14. Before advertng to the merits of the case it is relevant to mention here that the guiding principles, wherein extraordinary jurisdiction for quashing of FIR can be exercised, has been laid down by the Hon'ble Supreme Court of India in the case of 'Neeharika Infrastructure Pvt. Ltd. (supra)'. Those guidelines are as under:

- “i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence;



- ii) Courts would not thwart any investigation into the cognizable offences;
- iii) 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;
- iv) 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).
- v) 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;
- vi) Criminal proceedings ought not to be scuttled at the initial stage;
- vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- viii) 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;
- ix) The functions of the judiciary and the police are complementary, not overlapping;



- x) 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;
- xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- xii) The first information report is not an encyclopedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;
- xiii) 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;



- xiv) 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 (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint;
- xv) 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;
- xvi) The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain



itself from passing the interim order of not to arrest or “no coercive steps to be adopted” and the accused should be relegated to apply for anticipatory bail under Section 438 Cr.P.C. before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or “no coercive steps” either during the investigation or till the investigation is completed and/or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of the quashing petition under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India;

xvii) Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order.

xviii) Whenever an interim order is passed by the High Court of “no coercive steps to be adopted” within the aforesaid parameters, the High Court must clarify what does it mean by “no coercive



steps to be adopted” as the term “no coercive steps to be adopted” can be said to be too vague and/or broad which can be misunderstood and/or misapplied.”

15. In addition to above, 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.

16. With regard to similar situation, the Hon'ble Supreme Court of India in the case of Gian Singh (*supra*) observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. As per Hon'ble Supreme Court, the power of the High Court

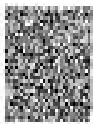


in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code of Criminal Procedure. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accordance 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.”

17. Similarly in the case of ‘Sadiq B. Hanchinmani Vs. State of Karnataka’, Criminal Appeal No.4728 of 2025, 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.

18. In the case of ‘M/s Balaji Traders Vs. The State of U.P. & Anr.’ 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.

19. In the case of ‘Muskan Vs. Ishaan Khan (Sataniya)’ Criminal Appeal No.4752 of 2025, 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.

20. Taking into consideration the fact that any of the parameters prescribed under the aforementioned precedents does not cover the case of the petitioners, I hold that the present petition is devoid of merit and deserves dismissal. Hence, the same is hereby dismissed, accordingly.

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

(SURYA PARTAP SINGH)  
JUDGE

13.01.2026  
Manoj Bhutani

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |