



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-72463 of 2025

Date of Decision: 13.02.2026

Raj Kumar
... Petitioner(s)

Versus

State of Punjab and Another
... Respondent(s)

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

Present: Mr. Lokesh Vohra, Advocate
for the petitioner(s).

Mr. J.S.Thind, Deputy Advocate General,
Punjab, for the respondent.

Mr. Jagjit Singh Gill and Mr. Prabhpreet Singh, Advocates
for the complainant.

Surya Partap Singh, J.

1. This petition under Section 528 of the Bhartiya Nagarik Surakasha Sanhita, 2023, hereinafter being referred to as “BNSS” seeking for quashing has been filed with regard to a case arising out of FIR No. 173 dated 31.08.2024 under Section 281 and 106(2) of the Bharatiya Nyaya Sanhita, 2023 lodged in Police Station Guruharsahai, District Feroepur, Punjab.
2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of ‘Parvinder Kumar’, hereinafter being referred to as “complainant” only. It was stated by the above named complainant that his younger brother ‘Gurpreet Singh’ who was a carpenter, had visited village Naneha on 03.07.2024 and that at about

09.15 P.M. he received a call that 'Gurpreet Singh' had met with an accident and admitted in Civil Hospital, Guru Harsahai. As per complainant, when he visited hospital, his brother was referred to Guru Gobind Singh Medical College, Faridkot and when he shifted his brother to the above named hospital, the doctor declared him dead.

3. It is the case of prosecution that in view of above mentioned information, formal FIR of this cases was lodged against an unknown vehicle & unknown driver and the investigation was taken up. As per prosecution during the course of investigation, the complainant met the Investigating Officer and told that on his own level he had made enquiries and found that the two-wheeler of his brother 'Gurpreet Singh' was hit by the Tractor make 'Sonalika' being driven by 'Raj Kumar' son of Des Raj (petitioner herein). As per complainant, at the time of accident, the above named driver was driving the tractor in a reckless and careless manner.

4. According to prosecution in view of above mentioned information, further investigation was conducted and the accused was arrested.

5. Heard.

6. It has been contended on behalf of petitioner that instant case is a unique case wherein the same complainant, who lodged FIR against an unknown person, after some time approached the same Investigating Officer and disclosed him that the accident in question had taken place on account of rash and negligent driving of the petitioner. According to learned counsel for the petitioner, the most significant fact to be taken into consideration is that an altogether improbable and unnatural story with regard to involvement of

petitioner in the commission of offence has been cooked up by introducing false witnesses who are close relatives/associates of the family of deceased. According to learned counsel for the petitioner, it fails to convince a prudent mind that for several days there was no information either to the complainant or to the police about the identity of a person who was responsible for the accident, but later on out of blue by introducing the witnesses who made false statement, the vehicle of the petitioner and the petitioner have been implicated in the accident in question. While claiming that the evidence collected by the Investigating Officer is a created evidence which has no authenticity or convincing value at all, the learned counsel for the petitioner has claimed that the prosecution of petitioner is nothing but an abuse of process of law, hence the request for exercise of extraordinary jurisdiction of this court. The FIR has been sought to be quashed on the above-mentioned grounds.

7. The learned State counsel being assisted by the learned counsel for the complainant has controverted the above mentioned arguments. According to learned State counsel, in the present case the quashing of FIR has been sought on the plea that the prosecution witnesses will be making false statements before the learned trial Court, and that without any evidence the petitioner has been prosecuted for the commission of offence involved in the present FIR. According to learned State counsel since for proving the above mentioned plea the appreciation of evidence is necessary and from the contents of FIR vis-à-vis report under Section 173 of the Code of Criminal Procedure, 1973 the essential ingredients meant for the commission of offence punishable under Sections 281 and 106(2) of BNS are made out,

there is no scope for quashing of FIR in the present case.

8. The record has been perused carefully.

9. With regard to exercise of extraordinary jurisdiction vested in the court under Section 528 of BNSS the guiding principles have been laid down 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.”

10. 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.

11. 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.

12. 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.

13. 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.

14. In the light of above mentioned legal propositions if the facts and circumstances of the instant case are analyzed, it transpires that in the present case the sole plea taken by the petitioner is that the witnesses introduced by the Investigating Officer and the complainant are interested witnesses, being close relatives of the complainant, and therefore, being interested witnesses their statements do not carry a good probative value. It has also been highlighted by learned counsel for the petitioner that at the first instance the above-mentioned witnesses was silent which makes it abundantly clear that the witnesses being projected as the eye-witnesses of the accident are procured witnesses. However, with regard to above mentioned plea this fact cannot be ignored that in a petition seeking for

quashing of FIR it is not possible to draw an inference as to whether the witnesses cited by the prosecution, who are yet to be deposed before the trial Court, are worth reliable or not. In view of the fact that on the basis of contents of the report under Section 173 of the Code of Criminal Procedure all the essential ingredients meant for the offence under Sections 281 and 106(2) of BNS are made out and apparently there is nothing on record to show that the prosecution of petitioner is an abuse of process of law, it is hereby held that no ground for quashing of FIR is made out in the present case.

15. 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**, accordingly.

(Surya Partap Singh)
Judge

February 13, 2026
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No