



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

Sr. No.136

**CRM-M-13471-2026
Reserved on:-13.03.2026
Pronounced on:-18.03.2026
Uploaded on:-**

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

KALVI ASHOKA

...Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Sidhant Vermani, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. A.G. Haryana.

MANDEEP PANNU, J.

1. The present is the first petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 Cr.P.C.) seeking quashing of FIR No. 630 dated 26.11.2024 registered under Sections 111(2), 111(3), 111(4), 111(5), 318(4), 319(2), 338, 336(3), 340(2), 61(2) of the BNS read with Section 12(1) of the Passports Act, 1967, Police Station City Jagadhri, District Yamuna Nagar, Haryana and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner contends that the petitioner is a police official posted in Karnataka and has been falsely implicated in the present case. It is submitted that the petitioner was not named in the FIR and his name has surfaced only on the basis of disclosure statement of co-



accused, which is inadmissible in evidence. It is further argued that no monetary transaction or call detail records connect the petitioner with any of the co-accused and his bank accounts are admittedly clean. Learned counsel submits that even as per the enquiry report relied upon by the prosecution, at best there may be some lapse in discharge of official duties but the same does not constitute any criminal offence. It is further argued that the petitioner had acted in accordance with the SOP issued by the competent authority, wherein the scope of verification was limited to checking citizenship and criminal antecedents and not address verification. It is also contended that the petitioner has an unblemished service record and has no connection whatsoever with the alleged gang involved in preparation of fake documents. On these premises, prayer has been made for quashing of the FIR.

3. Notice of motion.

4. On the asking of the Court, Mr. Sushil Bhardwaj, Addl. A.G. Haryana accepts notice and opposes the present petition. It is submitted that the petitioner, while posted as a police official at Police Station Hannur, District Bengaluru (Karnataka), in connivance with co-accused Amin Usman Sait and others, conducted false police verification in respect of passport applications of accused persons including Manjot Singh and Khushal Singh Karot, without visiting their addresses and without following the prescribed procedure. It is further submitted that the investigation has revealed that fake documents were prepared and used for issuance of passports and the petitioner played an active role in facilitating the same by submitting favourable verification reports.



5. Learned State counsel further submits that the name of the petitioner has surfaced during investigation on the basis of disclosure statement of co-accused and the same is duly corroborated by other material collected during investigation including call detail records, documentary evidence and the overall chain of circumstances. It is also pointed out that during departmental enquiry conducted by the competent authority in Karnataka, the petitioner along with co-accused has been found guilty of conducting false police verification in respect of fake passport applications. It is further submitted that custodial interrogation of the petitioner is required to unearth the larger conspiracy and to identify other persons involved in the racket. It is also brought to the notice of this Court that the challan has already been presented and the case is pending for arguments on charge and charges are yet to be framed. On these grounds, prayer has been made for dismissal of the present petition.

6. Having heard learned counsel for the parties and having gone through the record, this Court is of the considered view that no case for quashing of the FIR is made out at this stage.

7. It is well settled that the inherent powers under Section 528 BNSS are to be exercised sparingly and with great caution and only in cases where the allegations do not disclose any offence or where the proceedings are manifestly attended with mala fide. In the present case, a perusal of the FIR and the material collected during investigation prima facie discloses the involvement of the petitioner in facilitating issuance of passports on the basis of false verification. The specific role attributed to the petitioner is that he, being a police official, conducted improper and false verification, which



enabled the accused persons to obtain passports on the basis of forged documents.

8. The contention of the petitioner that his name does not figure in the FIR and that he has been implicated only on the basis of disclosure statement of co-accused, cannot be accepted at this stage inasmuch as the investigation has collected further material which prima facie connects the petitioner with the offence. Moreover, the evidentiary value of such material is a matter to be considered during trial and not at the stage of quashing.

9. The argument that no monetary transaction or call detail record connects the petitioner with the co-accused is also a matter of appreciation of evidence, which cannot be gone into in proceedings under Section 528 BNSS. Similarly, the reliance placed by the petitioner on the SOP and other departmental instructions cannot be examined in detail at this stage. The said documents, along with the defence of the petitioner that at best there was negligence in discharge of official duties, can very well be considered by the learned trial Court at the stage of framing of charge.

10. Significantly, it has come on record that in the departmental enquiry conducted by the competent authority, the petitioner has been found guilty of conducting false police verification. Though departmental findings are not conclusive for criminal liability, the same do constitute a relevant circumstance which lends support to the prosecution case at this stage.

11. It is also not in dispute that the challan has already been presented and the case is pending before the learned trial Court for



arguments on charge. The charges are yet to be framed and the prosecution proposes to examine as many as 35 witnesses. At this stage, this Court would not be justified in scuttling the prosecution at the threshold.

12. The law laid down by the Hon'ble Supreme Court in "*State of Haryana vs. Bhajan Lal*", 1991 (1) RCR (Criminal) 383, clearly mandates that where the allegations in the FIR *prima facie* disclose the commission of an offence, the proceedings should not be quashed. In the present case, the allegations, taken at their face value, do make out a cognizable offence against the petitioner.

13. In view of the above, this Court is of the opinion that the petitioner is at liberty to raise all the pleas as have been raised in the present petition before the learned trial Court at the stage of framing of charge. The learned trial Court shall consider the same in accordance with law and pass a speaking order after taking into consideration all the contentions raised by the petitioner.

14. No ground is made out for interference in exercise of inherent jurisdiction.

15. Accordingly, the present petition is dismissed.

16. However, nothing observed herein shall be construed as an expression of opinion on the merits of the case.

17. All pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

18.03.2026

Anu

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