

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

(127)

CRM-M-49199-2025 (O&M)  
Date of Decision:27.07.2026

AMARJIT SINGH DHAMOTIA

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

... Respondent

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**CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present:- Mr. Balwant Singh, Advocate  
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

Mr. Babneet Singh, Advocate  
for respondent No.2-Harjit Singh.

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**VIRINDER AGGARWAL, J.** (Oral)

1. The present petition has been instituted under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 56 dated 22.05.2025, registered under Sections 308(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Daba, Police Commissionerate Ludhiana, Punjab, along with all consequential proceedings arising therefrom.

2. Briefly stated, the impugned FIR came to be registered on the statement of respondent No. 2/complainant, Harjit Singh, who alleged that he, along with his brother Somnath Gogna, was running "Gogna Brothers Medical Store" and "M/s Peer Nigaha Charitable Clinic" situated at Daba-Lohara Road, Ludhiana. The gravamen of the allegations is that the



present petitioner, acting in concert with certain unidentified associates, had been indulging in acts of hooliganism and extortion for several years and had allegedly been intimidating the complainant with demands for extortion money, culminating in the registration of the present FIR.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated owing to personal vendetta and that the impugned FIR is nothing but a retaliatory measure adopted by respondent No. 2 to thwart the lawful complaints initiated by the petitioner against the unauthorized construction and illegal activities allegedly being carried out by the complainant. It is contended that the allegations of extortion are wholly false, fabricated and bereft of any supporting material. Learned counsel further submits that the complainant was operating his medical establishment in violation of the applicable statutory provisions, and upon complaints made by the petitioner, the Municipal Authorities initiated action against the unauthorized premises. It is argued that the complainant, aggrieved by such action, has maliciously engineered the present criminal proceedings as a counterblast.

2.1. It is further contended that the petitioner is a 66-year-old senior citizen suffering from hemorrhagic stroke resulting in paralysis, requiring continuous medical treatment and assistance in his daily routine, rendering the allegations of criminal intimidation, hooliganism and extortion inherently improbable. Learned counsel also points out that the FIR was registered after an unexplained delay of nearly one month from the recording of the complainant's statement; no recovery of any alleged extortion amount has been effected from the petitioner; and the

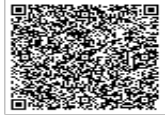


investigation has failed to unearth any independent material substantiating the allegations. It is further submitted that the petitioner himself approached the higher police authorities seeking a fair and impartial investigation, thereby demonstrating his bona fides. It is also argued that despite the passage of considerable time, neither has the final report been presented nor have charges been framed, which itself reflects the absence of any credible incriminating material against the petitioner. On these premises, it is prayed that the impugned FIR, being actuated by mala fides and constituting an abuse of the process of law, deserves to be quashed along with all consequential proceedings.

4. Per contra, learned State counsel, duly assisted by learned counsel appearing on behalf of respondent No. 2/complainant, has vehemently opposed the petition. It is contended that the allegations levelled in the FIR disclose the commission of cognizable offences requiring a thorough investigation and that the extraordinary jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ought not to be exercised to stifle a legitimate prosecution at its threshold. It is, accordingly, prayed that the present petition, being devoid of merit, be dismissed.

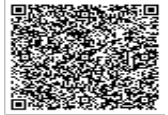
5. I have heard learned counsel for the parties at considerable length and have meticulously perused the pleadings, the material placed on record and the relevant documents, with the able assistance rendered by learned counsel appearing on either side.

6. Upon a careful consideration of the allegations contained in the FIR, read in conjunction with the material collected during the course



of investigation, this Court is of the prima facie view that it cannot be held that the impugned FIR fails to disclose the commission of any cognizable offence. Equally, it cannot be concluded that the allegations, even if accepted in their entirety as true at this stage, do not constitute the ingredients of the offences alleged, or that they are so patently absurd, inherently improbable or manifestly frivolous as to justify the exercise of the extraordinary and inherent jurisdiction of this Court for quashing the criminal proceedings. Consequently, the case of the petitioner does not satisfy any of the well-recognised parameters governing the exercise of inherent jurisdiction for quashing criminal proceedings, as authoritatively enunciated by the Hon'ble Supreme Court in ***State of Haryana and Others v. Ch. Bhajan Lal and Others, 1991 (1) RCR (Criminal) 383***. The relevant observations are reproduced hereunder:-

“107. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.



1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.

108. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the F.I.R. or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whim or caprice.”

6. In *M/s Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (2021) 19 SCC 401*, a Three-Judge Bench of the Hon'ble Supreme Court authoritatively delineated the scope and ambit of the inherent jurisdiction of the High Court under Section 482 Cr.P.C. Reaffirming the settled legal position, the Court held that the power to quash criminal proceedings is extraordinary in nature and is to be exercised sparingly, with great circumspection, and only in exceptional cases, the expression "*rarest of rare*" being employed in a context distinct from that governing the imposition of capital punishment.

6.1. The Hon'ble Supreme Court further held that, while exercising jurisdiction under Section 482 Cr.P.C. for quashing an FIR or criminal proceedings, the High Court is not expected to enter into disputed



questions of fact or adjudicate upon the correctness, reliability or genuineness of the allegations levelled in the FIR or complaint. At such stage, the Court cannot examine the defence available to the accused, undertake a meticulous appreciation of evidence, or conduct a mini-trial. Interference would be justified only where the case unmistakably falls within the well-recognised parameters governing the exercise of inherent jurisdiction, particularly those enunciated in ***R.P. Kapur v. State of Punjab AIR 1960 SC 866*** and ***State of Haryana and Others v. Bhajan Lal*** (supra).

7. Tested on the touchstone of the aforesaid settled principles, the present case does not satisfy any of the parameters laid down in ***Ch.Bhajan Lal*** (supra) or ***M/s Neeharika Infrastructure Pvt. Ltd.*** (supra) so as to warrant the exercise of the extraordinary inherent jurisdiction of this Court. At this stage, there is no material to *prima facie* indicate that the impugned FIR is manifestly *mala fide*, frivolous, vexatious, or actuated by an ulterior motive amounting to an abuse of the process of law. On the contrary, the allegations contained therein disclose the commission of cognizable offences, thereby necessitating a fair, impartial and complete investigation. Judicial interdiction at this incipient stage would, therefore, be wholly unwarranted.

8. A careful reading of the FIR reveals specific and unequivocal allegations against the petitioner. It has been alleged that the petitioner, in active connivance with his associates, had been systematically collecting protection money from local shopkeepers and, in the event of refusal, subjected them to intimidation and harassment. The complainant has

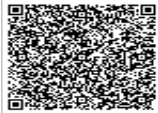


specifically alleged that the petitioner had been continuously extorting money from him through his associate, Sukhdev Singh @ Laddi, who allegedly visited the complainant every Saturday to collect an amount of ₹2,000/- per week on behalf of the petitioner. It is further alleged that, with effect from November 2023, the petitioner arbitrarily enhanced the amount of extortion and, upon the complainant's refusal to comply, threatened that his medical store would be forcibly closed by 7:00 p.m. every day unless the illegal demand was met. The FIR further refers to an audio recording, stated to be contained in a pen drive, in support of the allegations.

8.1. The averments contained in the FIR, taken at their face value, disclose the commission of cognizable offences warranting a thorough investigation. At this preliminary stage, this Court is neither expected nor empowered to embark upon a meticulous appreciation of the evidentiary value of the allegations or adjudicate upon the veracity of the rival versions. The pleas sought to be advanced by the petitioner, including his assertions regarding false implication, medical condition and alleged mala fides on the part of the complainant, constitute matters of defence, the veracity whereof can only be examined during the course of investigation or at the appropriate stage before the competent Court. Such disputed questions of fact do not furnish a valid foundation for invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8.2. Accordingly, having regard to the nature of the allegations and the settled principles governing the exercise of inherent jurisdiction, this Court is of the considered opinion that the present case does not fall within





the exceptional category warranting interference at the threshold. Consequently, without expressing any opinion on the merits of the case, lest it prejudice either side during the course of investigation or trial, the present petition, being devoid of merit, is hereby **dismissed**.

8.3. It is, however, clarified that the observations recorded herein are confined solely to the adjudication of the present petition and shall not be construed as an expression of opinion on the merits of the case. The Investigating Agency as well as the learned Trial Court shall proceed independently and strictly in accordance with law, uninfluenced by any observations contained in the present order.

9. In view of the final adjudication of the principal petition, all pending miscellaneous applications, if any, arising out of or ancillary thereto, shall also stand disposed of. No separate or further orders are called for in respect thereof.

27.07.2026  
Gaurav Sorot

( **VIRINDER AGGARWAL** )  
**JUDGE**

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