

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CNR No: PHHC011112782026

2026:PHHC:122886



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CRM-M-38616-2026 (O&M)

Date of decision:01.09.2026.

Satish Kumar

... Petitioner

Vs.

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Raj Kumar Bhatia, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

...

Manisha Batra, J. (Oral).

CRM-29422-2026:

Application is allowed subject to all just exceptions and the document annexed with the same is ordered to be taken on record as Annexure P-2.

Main case:

1. The present petition has been filed under Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 (for short-‘BNSS’) for quashing of FIR No.0046, dated 17.03.2026, registered under Sections 406 and 420 of IPC, at Police Station City Jalalabad, District Fazilka and all the subsequent proceedings arising therefrom.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint submitted by respondent No.2/Ranjit Singh alleging therein that the present petitioner along with co-accused Manjit Singh and Ram Parkash, who represented themselves to be employees of Sarv Hit Housing and Infrastructure India Limited Company (hereinafter to be referred to as 'the accused company') had induced him to invest money in the accused company for a certain period by alluring him on the representation that the accused company used to purchase land in different States with the invested amount and used to distribute the profits received by sale of such land amongst its investors. An amount of Rs.1,07,000/- was invested by him in the year 2010. It was represented to him that the said amount had matured to Rs.3,83,200/- along with interest but when the complainant asked them to withdrawal of the said amount, the petitioner and other accused stopped responding to his queries or calls and did not return his money. By alleging that he had been cheated at the hands of the petitioner and other co-accused and wrongful loss of money had been caused to him, he prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. The investigation is still pending and challan has not been filed as yet.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The dispute between the parties is of civil nature which has been given a criminal colour. The petitioner was not the Managing Director of the company and had already resigned prior to making investment as alleged by the complainant. He is ready to join the

investigation. Continuation of the criminal proceedings would serve no useful purpose and would amount to an abuse of the process of law. Therefore, it is urged that the petition deserves to be allowed and the impugned FIR along with all the subsequent proceedings are liable to be quashed.

4. Notice of motion qua respondent No.1 only at this stage.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. At the very outset, learned State counsel has submitted that the case is still under investigation. Learned counsel for the petitioner has not disputed this fact. Since the case is under investigation and final report has not yet been filed, no case is made out to entertain this petition at this stage. Therefore, it is stressed that the petition is liable to be dismissed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The well settled proposition of law is that except in exceptional circumstances where non-interference would result in miscarriage of justice, the Courts ought not to interfere at the stage of investigation of an offence as if the FIR is quashed at the very inception, the same thwarts legitimate investigation. Reliance in this context can be made to the observations made by Hon'ble Supreme Court in **Neeharika Infrastructure (P) Ltd. vs. State of Maharashtra, (2021) 19 SCC 401**, wherein after analyzing a catena of judicial precedents, it was observed that the police had statutory right and duty to investigate into cognizable offences under the relevant provisions of the Code of Criminal Procedure. The Courts should not thwart any

investigation into cognizable offences. The criminal proceedings ought not to be scuttled at the initial stage. While examining an FIR/complaint, quashing of which is sought, the Court cannot embark upon an inquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint. It was also observed that 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. It was also observed as follows:-

“13.12. The first information report is not an encyclopaedia 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. During or 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;

13.13. The power under Section 482 Cr. P.C. is very wide, but conferment of wide power requires the court to be cautious. It casts an onerous and more diligent duty on the court; 13.14. However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the selfrestraint 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; and 13.15. When a prayer for quashing the FIR is made by the

alleged accused, the court when it exercises the power under Section 482 Cr. P.C., only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider on merits whether the allegations make out a cognizable offence or not and the court has to permit the investigating agency/police to investigate the allegations in the FIR.”

8. Reference can also be made to **Somjeet Mallick v. State of Jharkhand and others, 2024 (10) SCC 527**, wherein the Hon'ble Supreme Court had observed that during judicial examination of a prayer for quashing of an FIR, the cognizance order, or subsequent proceedings, Courts must evaluate the allegations and material collected during investigation at its face value so as to determine whether a prima facie case for investigation or proceeding against the accused, as the case may be is made out. The correctness of the allegations is not to be tested at this stage. The Court is also not required to ascertain at this stage as to which specific offence is committed. It is only after investigation, at the time of framing charge, when the material collected during investigation is before the Court, that the Court has to draw an opinion as to for commission of which offence, the accused should be tried.

9. Reliance can also be placed upon **Union of India v. Prakash P. Hinduja, (2003) 6 SCC 195**, wherein it was held that the Court should not interfere with investigation or during the course of investigation i.e. till the filing of a report under Section 173 of Cr.P.C. by exercise of inherent jurisdiction.

10. In view of the foregoing principles of law, this Court finds that the present petition seeking quashing of the FIR has been filed at a stage

when the investigation is still underway. At this juncture, the Investigating Agency is yet to complete the investigation and to determine as to whether the allegations made in the FIR are substantiated and whether a final report is required to be submitted before the competent Court. The inherent jurisdiction of this Court is undoubtedly wide but the same is required to be exercised sparingly. While exercising such jurisdiction, the Court is not required to examine the evidence in detail or assess the material which is yet to be collected during investigation. When the investigation is still in progress, the Court should ordinarily not interfere with it, unless the allegations, even if treated to be true at their face value, do not disclose the commission of any offence or the case otherwise falls within the settled principles for exercise of inherent jurisdiction. In the present case, no such exceptional circumstance has been demonstrated by learned counsel for the petitioner. Rather, the admitted position is that the investigation is still pending and the final report has not yet been filed. Thus, at this stage, any adjudication upon the merits of the allegations or the material which is yet to be collected by the Investigating Agency would not only be premature but may also have the effect of prematurely deciding the matter. The Investigating Agency is required to be permitted to complete the investigation in accordance with law and to submit a final report before the competent Court. It would not be appropriate for this Court to exercise its inherent jurisdiction so as to bring the investigation to an end before its conclusion, particularly when the petitioner has failed to demonstrate any compelling or exceptional ground warranting such interference. Consequently, this Court is of the considered view that the present petition,

having been filed at a stage when the investigation is still pending and the final report has not yet been filed, is premature. No ground is made out for exercising the inherent jurisdiction of this Court for quashing of the FIR at this stage. Accordingly, the present petition is dismissed as premature.

11. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

12. Needless to say that if no case for commission of subject offences is made out, the police authorities shall be at liberty to file appropriate report under Section 173 of Cr.P.C.

01.09.2026*harjeet***(MANISHA BATRA)
JUDGE**

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