



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.51611 of 2024 (O&M)

Reserved on: 14.11.2025

Date of Decision : 09.12.2025

**Parkash Singh Marwah**

.....Petitioner

**Versus**

**State of UT Chandigarh and others**

..... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present : Mr. Hardial Singh Baath, Advocate for the petitioner.

Mr. Ganesh Sharma, Addl. P.P. for UT Chandigarh.

**SURYA PARTAP SINGH, J. (Oral):**

For the quashing of FIR No.26 dated 19.05.2024, Police Station Sector-49, UT Chandigarh the extraordinary jurisdiction of this Court, vested by virtue of Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023, hereinafter being referred to as 'BNSS', has been invoked.

2. Succinctly, the facts emerging from record are that the above mentioned FIR was lodged at the instance of ASI 'Ajit Singh' who had reported that on 18.05.2024 at about 6.40 P.M. he along with Constable 'Yogesh' was present at the crossing of roads heading towards Sectors-45/46/49/50 Chandigarh. According to above named police officer, there they spotted a Scorpio car whose front number plate was not properly visible, as few digits of the same were covered by a cloth. It was further reported by the above named police officer that a signal to stop the car was given to the driver of the above said car, but the car driver instead of stopping the car at the



intersection stopped it beyond the 'Zebra' crossing, and when constable 'Yogesh' started videography of the above mentioned car No.CH-01CT-2486 its driver alighted from the car and upon demand for his driving licence, he refused to provide the same.

3. According to above named police officer, the car driver introducing himself as Judicial Magistrate, namely 'Parkash', and that in order to confirm the above said fact when it was asked again from the above said driver as to whether he was a Magistrate or not, he nodded in affirmative. It was further reported by the above named police officer, that when the licence was demanded from him he fled from the spot by speeding-up his vehicle. As per report the matter was reported to the Senior Police Officers and when the particulars of the above mentioned vehicle were verified it was found that the car did not belong to a Magistrate. It was also reported by the above named police officer that on the front windshield of the car the sticker of Judge was affixed, and that the driver of the car had also misbehaved with constable 'Yogesh' and obstructed him from discharging his official duty.

4. It is case of the prosecution that in view of above mentioned report formal FIR of this case was lodged, and the investigation taken-up. As per prosecution, during the course of investigation the petitioner was arrested.

5. The present petition has been filed by the petitioner by alleging that the petitioner is a budding lawyer hailing from a reputed family, and that he has a good academic record. According to petitioner, the petitioner had a fascination for social service, and that inspired by the above mentioned ideology he used to highlight the lapses of the Administration, and for that



purpose even filed various complaints. It has been further alleged that few of the complaints were filed by him against the inaction of Chandigarh Administration also, such as Annexures P-2 and P-3, and that the Annexure P-2 was a complaint against one D.S.P of Traffic Police, i.e. the respondent No.4.

6. In the present petition it has been alleged that on account of above mentioned complaints moved by the petitioner, the entire Chandigarh Police started nursing grudge against the petitioner and became inimical, and they hatched a conspiracy to implicate the petitioner in a non-bailable offence and that the case in hand has been filed in execution of abovesaid design. The petitioner has claimed that the allegations contained in the FIR are false.

7. With regard to incident in question it has been alleged by the petitioner that on 18.05.2024 at about 6.30 P.M. when the petitioner along with his old aged ailing mother was crossing the above mentioned intersection, he was abruptly stopped by the respondents No.5 and 6, and that with a motive to fulfill the illegal design of implicating the petitioner in a false case, the above said story has been concocted with regard to traffic violations and obstruction in discharge of duty of a police official, by the petitioner. It has been alleged by the petitioner that at the time of above mentioned incident the police officers were not in uniform, and that against the abovesaid conduct an objection was raised by the petitioner which has been given a colour of obstruction in discharge of duty. According to petitioner, surprisingly after two days, i.e. on 20.05.2024, at about 3.00 P.M, when the petitioner was busy in his work, he was illegally arrested by the police, and only then he came to know about the present FIR. While claiming that the above mentioned FIR is



nothing but an abuse of process of law, the quashing of the same has been sought.

8. Heard.

9. It has been contended by learned counsel for the petitioner that an altogether false story with regard to obstruction in the discharge of duty and cheating by impersonation has been cooked-up against the petitioner out of vengeance. As per learned counsel for the petitioner neither there is any substance in the above mentioned allegations nor any reliable evidence is available, and that filing of above mentioned FIR against the petitioner, is nothing but misuse of authority by the police department. As per learned counsel for the petitioner, the prosecution of petitioner is nothing but an abuse of process of law which needs intervention and exercise of extraordinary jurisdiction by this Court.

10. In addition to above, it has also been contended by learned counsel for the petitioner that the proceedings initiated up by the respondents are otherwise illegal in view of the fact that the FIR for the commission of offence punishable under Section 186 IPC has been lodged which is not permissible under the law. With regard to above, the learned counsel for the petitioner has referred to the observations made by this Court in the case of 'Ram Kumar Vs. State of Haryana 1998(1) CLR 63', wherein it has been observed that Section 195(1) Cr.P.C. bars the jurisdiction of this Court for taking cognizance of an offence under Section 186 IPC, except upon a complaint in writing of a public servant concerned, or his superior officer. In the above mentioned case, it has also been observed that the offences under Sections 332 and 353 IPC are closely inter-woven with offence under Section

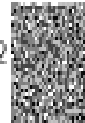


186 IPC, and that if the facts of the case giving rise to the offences are not capable of being split apart, the Court is not entitled to take cognizance of the offence under Sections 332 and 353 IPC also.

11. Similar view has been taken by the High court of Madhya Pradesh in the case of 'Ashok and others Vs. The State, 1987 CRI. L.J. 1750' wherein it has been observed that underlying purpose behind the provision of Section 195(1)(a)(i) seems to be to check misuse of the machinery of criminal prosecution by unconcerned persons on frivolous, vexatious or insufficient grounds inspired by a revengeful desire to harass their opponents.

12. It has also been contended by learned counsel for the petitioner that the harassment being faced by the petitioner is so strong that the petitioner, who is a person of sensitive nature, could not ignore the same and therefore, he suffered depression and therefore, forced to go for treatment. According to learned counsel for the petitioner counselling sessions of the petitioner are going on which shows that he is yet to recover. While referring to the principles of law laid down by the Hon'ble Supreme Court in the case of 'Devidas Loka Rathod Vs. State of Maharashtra AIR 2018 Supreme Court 3093', the learned counsel for the petitioner has contended that in view of above mentioned mental state the petitioner is entitled to immunity provided under Section 84 IPC.

13. 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

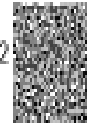


Cases 303', the learned counsel for the petitioner has urged for quashing of present FIR.

14. Per contra, the learned State counsel has come forward with the plea that allegations against the petitioner are of serious nature as he, on checking for traffic violations by a police officer, introduced himself to be Judicial Magistrate and tried to take undue advantage of the position by impersonating himself as a member of judicial fraternity. According to learned State counsel, in addition to above, the petitioner also obstructed a public servant from discharging his duty as a police officer, and thus, the FIR has been rightly lodged against the petitioner. As per learned State counsel the petitioner is being prosecuted for the misdeeds committed by him only and not out of any vengeance etc.

15. With regard to application of Section 195(1) Cr.P.C. it has been alleged by the learned State counsel that the above mentioned bar is not attracted in the present case, as one of the offence committed by the petitioner is the offence under Section 419 IPC for which the bar under Section 195(1) Cr.P.C. does not come in the way.

16. With regard to plea of protection enshrined under Section 84 IPC, the learned State counsel has contended that there is no plea of the petitioner that he was suffering from any such ailment at the time of commission of offence. The learned State counsel has further contended that if the petitioner wants to raise a plea that he is not fit for trial due to his mental state subsequent to the commission of offence, he can take such plea before the learned trial Court only. As per learned State counsel the quashing of FIR on the above mentioned ground is not permissible.



17. It has also been contended by learned counsel for the petitioner that video footage of the entire incident is available and will be proved in the learned trial Court at appropriate stage during the course of trial. The learned State counsel has contended that afraid of the fact that he may not wriggle-out of the consequences of his act which has been duly recorded in the camera, the petitioner has resorted to present petition on false grounds. The learned State counsel has urged for dismissal of present petition.

18. In support of his argument, the leaned 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'.

19. The record has been perused carefully.

20. In the present case the contents of the petition shows that there are three points which needs determination:

- i) whether the petition is liable to be quashed on the ground that false story has been projected by the police in the FIR;
- ii) whether the bar enshrined under Section 195(1) of Cr.P.C. is applicable in the present case;
- iii) whether the petitioner is entitled to claim immunity as prescribed under Section 84 of IPC.

**Point No.1**

21. As far as the first point of determination is concerned at the very outset, it is pertinent to mention here that there are very specific, categorical and prominent allegations against the petitioner that when two police officers were discharging their duty at the intersection of Sectors 45/46/49/50 the petitioner violated traffic rules, and when he was asked to show his driving licence, instead of showing his driving licence *firstly*, he tried to overawe the



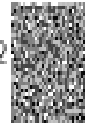
police officers by projecting himself to be a Judicial Magistrate and when he failed in doing so, and the police officers continued to insist for his driving licence, he drove away from the spot against the instructions of police officers, and thus, he committed the above mentioned offence.

22. With regard to above mentioned contents of the FIR the plea of the petitioner is that a false story has been cooked-up by the police as the petitioner has been complaining against the misdeeds of Senior police officers and other officers of the UT Administration. However, qua abovementioned stand of the petitioner this fact cannot be ignored that his presence, on the spot, while driving his car, is an admitted fact and therefore, the controversy to be determined in the trial would be as to whether the version projected by the production is true or the version of petitioner.

23. As far as the above mentioned allegations and counter allegations are concerned the most significant fact qua abovesaid allegations is that without proper appreciation of evidence, to be adduced at the time of trial, it is not possible to arrive at a conclusion as to whether which of the two stories is true.

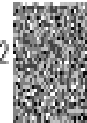
24. As far as the present petition is concerned in order to decide the same in view of the grounds taken thereunder the assessment of fact-situation pleaded in the present petition is essential, and the assessment of such fact-situation cannot be made unless the parties are given opportunity to lead their respective evidence. Thus, the determination of above mentioned fact-situation in the quashing petition without proper evidence is likely to result into miscarriage of justice.





25. With regard to abovementioned point of determination the guiding principles, wherein extraordinary jurisdiction for quashing of FIR can be exercised, have 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.”

26. 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.

27. 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.

28. 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.

29. 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.

30. In view of above mentioned observations it is hereby held that on this ground the petition is not liable to be quashed.

**Point No.2:**

31. As far as this point of determination is concerned, at the very outset, it is pertinent to mention here that allegations contained in the present petition are comprised of set of two facts. One fact is with regard to commission of offences punishable under Sections 170/419 IPC and the



another one is for the commission of offence punishable under Section 186 IPC.

32. As far as the offences punishable under Sections 170/419 IPC are concerned the bar of Section 195(1) Cr.P.C. are not attracted, but of course, as per settled principles of law and the statutory provisions the above said bar is applicable with regard to commission of offence punishable under Section 186 IPC.

33. In view of the fact that the above mentioned two types of offence allegedly committed by the petitioner are independent of each other and capable of splitting, it is hereby held that the prosecution of petitioner under Sections 170/419 IPC on the basis of FIR cannot held to be defective.

34. However, with regard to plea that that bar enshrined under Section 195(1) Cr.P.C. is applicable for an offence under Section 186 IPC, it is relevant to note that the proper course available to the petitioner is to raise the above said plea before the learned trial Court at the time of framing of charge. In my opinion the quashing of FIR on the above mentioned grounds is not permissible. Here it is also relevant to mention that the offences committed by the petitioner being capable of splitting the principles of law laid down in the case of 'Ram Kumar (supra)' and 'Ashok (supra)' are not of any help for the petitioner.

35. In view of above mentioned observations the point of determination No.2, too, is hereby answered against the petitioner.

**Point No.3:**

36. As far as this point of determination is concerned in view of the





fact that the plea raised by the petitioner with regard to immunity under Section 84 IPC is related to the dates subsequent to the commission of alleged offence, it is hereby observed that the petitioner who has not claimed that at the time of commission of offence he was entitled for such immunity, cannot seek quashing of FIR on the above mentioned grounds.

37. It is, also relevant to note that if the petitioner claims that trial against him cannot proceed due to his above mentioned incapacity, such plea can be raised by the petitioner before the learned trial Court during the course of trial only. The filing of petition for quashing of FIR on the above mentioned grounds, is not permissible.

38. Hence, this point of determination, too, is hereby answered accordingly against the petitioner.

39. In view of findings returned on the above mentioned three points of determination it is hereby held that no ground for quashing of FIR, as claimed by the petitioner is made out and the present petition being devoid of merit deserves dismissal. Hence, the present petition is hereby **dismissed** accordingly.

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

(SURYA PARTAP SINGH)  
JUDGE

09.12.2025

Manoj Bhutani

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