

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.7636 of 2021 (O&M)
Reserved on: 16.01.2026
Pronounced on: 29.01.2026

Vandna Tyagi and others

.....Petitioners

Versus

Jatin Tyagi and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Dinesh Sharma, Advocate for the petitioners.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 452, 500, 506, 509 and 34 of Indian Penal Code, hereinafter being referred to as IPC only, the FIR No.551 dated 08.04.2017, has been lodged in Police Station City Jagadhri, District Yamuna Nagar. Vide above mentioned FIR, the petitioners are being prosecuted for the commission of above mentioned offence. They are aggrieved of the same and therefore, they have resorting to present petition, seeking for quashing of FIR.

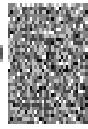
2. In nut-shell the facts emerging from record are that, that at the instance of 'Nootan', hereinafter being referred to as complainant only, the FIR was lodged. It was stated by the complainant that on 07.04.2017 on account of religious function, i.e. 'Pooja of Swami Satya Narain Bhagwan and Havan' followed by meal, there was gathering of her relatives and friends at her home. According to complainant, at about 3.30 P.M. few persons including ladies



entered her house hurled abuses for the complainant and her daughter, and misbehaved with them. It was also stated by the complainant that the utensils and other articles, kept in the house for serving meal, were also thrown here and there, and the abovesaid assailants manhandled them also. In the above mentioned complaint, it was also stated by the complainant that one of the member of above mentioned assailants group was 'Vandana' who was claiming that her husband had solemnized second marriage. As per complainant, Vandana was accompanied with her mother, sister, father and several other persons. As per complainant the above mentioned assailants created nuisance at her residence for approximately 45 minutes, and thus, committed the above mentioned offence.

3. It is the case of the prosecution that on the basis of above mentioned information formal FIR of this case was lodged and the investigation taken up.

4. The present petition has been filed by the petitioners on the ground that by twisting the facts wrong story has been projected by the complainant and the same story has been followed in the FIR. According to petitioners, in fact, the petitioner No.1 is the wife of respondent No.1 and the petitioners No.2 to 4 are the father-in-law, mother-in-law and sister-in-law of respondent No.1, respectively. It has been alleged by the petitioners that marriage of petitioner No.1 was solemnized with respondent No.1 on 20.05.2009 and out of above said wed-lock a daughter was born on 23.08.2010. According to petitioners the respondent No.1 had subjected the petitioner No.1 to cruelty on the pretext of dowry, and that in view of persistent

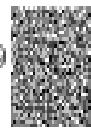


cruelty committed by the respondent No.1 she had lodged FIR against the respondent No.1 in the year 2019 and even filed petition for maintenance under Section 125 of Cr.P.C, and also a complaint under Domestic Violence Act.

5. As per petitioners, the respondent No.1 had developed extra marital relations with the respondent No. 3 and that on 07.04.2017 the petitioners came to know that the respondent No.1 was going to solemnize marriage with the respondent No.3 and therefore, the petitioner No.1 approached police authority and requested them to prevent the respondent No.1, from solemnizing the marriage during the subsistence of first marriage. According to petitioners, on the instructions of senior police officer, the local police officers along with petitioners had visited the house of complainant where the respondent No.1 and respondent No.3 were locked in a room by the family members of respondent No.3. While claiming that the entire event was recorded in a video camera, the petitioners have alleged that the respondent No.1, who himself was indulging in illegal activity had slapped the FIRs against the petitioners by twisting the fact, and that the victim of cruelty, i.e. respondent No.1, is being forced to suffer additional miseries due to above mentioned FIR. While claiming that the above mentioned FIR is nothing but sheer misuse of process of law, the petitioners have sought for quashing of FIR.

6. Heard.

7. It has been contended by learned counsel for the petitioners that instant case is a very strange case, wherein the victim of domestic violence,



cruelty on account of demand of dowry and also a sufferer of in-different attitude of her husband, who had refused to maintain her, is being prosecuted for the commission of act which took place in the presence of police officer who had visited the spot to stop the respondent No.1 from committing an illegal act, i.e. second marriage. It has also been contended by learned counsel for the petitioners that despite the fact that police officials were present on the spot and the entire incident was recorded in video camera, the video footage of which is available, the FIR has been slapped against the petitioners and they are being forced to face a trial for the commission of offence which, in fact, does not amount to an offence at all. While heavily relying upon the contents of video footage, the learned counsel for the petitioners has contended that no offence against the petitioners is made out, and therefore, being an abuse of process of law the present petition deserves to be allowed in the exercise of extraordinary jurisdiction vested in this Court.

8. 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 petitioners has sought for quashing of present FIR.

9. The learned State counsel has controverted the above mentioned arguments. It has been contended by learned State counsel that in the present case the allegations against the petitioners are very specific qua the fact that they had entered into the residential premises of the complainant, used abusive



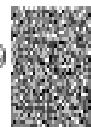
language, and also assaulted and misbehaved with them. According to learned State counsel once there are very specific and categorical allegations against the petitioner, and *prima facie* evidence has been collected by the Investigating Agency during the course of investigation, the mere fact that the petitioner No.1 has lodged FIR against the respondent No.1 does not absolve the petitioners from the above mentioned criminal/illegal act. As per learned State counsel in the present case the credibility of the allegations levelled by the complainant cannot be adjudged at this stage, and that without appreciation of evidence it cannot be adjudged as to whether the allegations contained in the FIR are true or not. According to State counsel for such purpose the trial has to be conducted.

10. In support of his argument, the learned 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.

11. The record has been perused carefully.

12. Before advertiring to the merits of the case it is relevant to mention here that 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 principles are:

“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."

13. 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:-

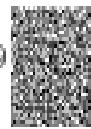
- a) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not *prima facie* constitute any offence or make out a case against the accused.
- b) Where the allegations in the First Information Report and 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.

14. With regard to similar situation, the Hon'ble Supreme Court of India in the case of Gian Singh (supra) observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can



be used by this Court to quash criminal proceedings in which a compromise has been effected. As per Hon'ble Supreme Court, the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code of Criminal Procedure. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accordance with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court."

15. 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.

16. In the case of 'Muskan Vs. Ishaan Khan (Sataniya)' Criminal Appeal No.4752 of 2025, the Hon'ble Supreme Court of India propounded 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.

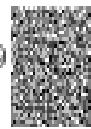
17. In the light of above mentioned settled principles of law if the factual matrix of the instant case is analysed it transpires that in the present



case the complainant while reporting the incident to the police had come forward with very categorical and specific allegations that when with regard to a religious ceremony there was a gathering at the house of complainant the petitioners forcibly entered into her house, and insulted her by using abusive language and assaulted her.

18. Once there are very specific allegations against the petitioners merely on the ground that some litigation between the petitioner No. 1 and respondent No.1, with regard to matrimonial discord is going on, does not permit the petitioners to forcibly entered into the house of a person without permission, and assaulted them. For the sake of arguments, even if, the contents of the petition are taken of their face value that the above mentioned incident had been taken place in the presence of police officials, even then the petitioners had no right to enter into the premises of complainant and assault her. No doubt the veracity of allegations as contained in the complaint is yet to be determined but at this stage when the prosecution evidence is yet to be led and appreciated merely on the plea of the petitioner that they have been falsely implicated, the *prima facie* evidence collected by the investigating agency during the course of investigation cannot be brushed aside. Thus it is hereby held that by any standard, prescribed under the law, it cannot be said that the prosecution of petitioners is an abuse of process of law.

19. Taking into consideration the fact that any of the parameters prescribed under the aforementioned precedents does not cover the case of the petitioners, I hold that the present petition is devoid of merits and deserves dismissal. Hence the same is hereby dismissed.



20. Pending miscellaneous application(s), if any, shall also stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

29.01.2026

Manoj Bhutani

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