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

**CRM-M-5769-2025
Date of Decision: 31.01.2025**

Satpal Tanwar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashwani Nagra, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing the impugned FIR bearing No.177, dated 04.09.2016, registered under Sections 354(a)(1) & 506 IPC, registered at Police Station Women Police Station, Sector-51, Gurugram, District Gurugram.

2. It is submitted by learned counsel for the petitioner that the prayer made in the present petition is for quashing of the aforesaid FIR because it was a case of counter-blast to the earlier FIR which was lodged by the petitioner against respondent No.2 which has been attached as Annexure P-2 whereby the allegations were that respondent No.2 had sung a song which was offending upon caste and therefore, the FIR (Annexure P-2) was registered under the SC & ST (Prevention of Atrocities) Act, 1989. He further submitted that the aforesaid FIR (Annexure P-2) was registered on 14.07.2016 and the present



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impugned FIR was registered on 04.09.2016 which was a counter-blast and therefore, on this ground the present FIR is liable to be quashed. He also submitted that since the present FIR is motivated by *mala fide*, the same is liable to be quashed.

3. At this stage, Mr. Surinder Kumar Dagar, learned DAG, Haryana has stated that he has received an advance copy of the present petition and has also sought instructions in the present case. He submitted that the allegations contained in the impugned FIR was investigated by the police and thereafter, the police had prepared a cancellation report which was presented before learned competent Court/Illaq Magistrate. Thereafter, learned Magistrate has now not accepted the cancellation report and learned Court has directed further investigation of the case and thereafter, the matter was again investigated and now the challan has been prepared for presenting before learned Court below. He further submitted that so far as the argument which has been raised by the learned counsel for the petitioner that the present impugned FIR (Annexure P-1) was a counter-blast is concerned, the same itself cannot become a ground for quashing of the FIR at this stage especially in view of the fact that specific allegation and specific role has been attributable to the petitioner in the impugned FIR. He referred to the judgment passed by Hon'ble Supreme Court in "*State of Haryana and others Vs. Ch. Bhajan Lal and others*", 1992 SCC (Criminal) 426 to contend that none of the parameters contained in the aforesaid judgment are satisfied in the present case because all the allegations which have been contained in the impugned FIR are to be tested by way of adducing evidence at the time of trial and it is only a matter of evidence and further submitted that considering the aforesaid facts and circumstances, the



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present petition is liable to be dismissed.

5. I have heard the learned counsels for the parties.

6. First of all, Annexure P-2 which is the first FIR which was lodged by the petitioner against respondent No.2 is perused. The aforesaid FIR was lodged under Section-3 of the SC & ST (Prevention of Atrocities) Act, 1989 on 14.07.2016 by alleging that the respondent No.2 had sung a song which was derogatory to some caste. After about 1½ months i.e. on 04.09.2016, the present impugned FIR has been registered, in which, different and distinct allegations have been made pertaining to the role of the petitioner. The present FIR (Annexure P-1) is reproduced as under:-

“To the Commissioner of Police, Gurgaon. Subject: Complaint for taking action against Nawab Satpal Tanwan R/o village Khandsa, Tehsil and District Gurgaon. Phone No.9811189986, 9310003886. Sir, Stated that I, Sapna Chaudhary d/o Sh. Bhupender Attri, am R/o Durga Vihar, Phase 2. Dinpur, Nazafgarh, Delhi-110043 and I am ‘Ragni’ (folk) Singer. I had performed one singing of Ragni, whose little song went bad regarding casteism, due to which Nawab Satpal Tanwar got registered one FIR No.0508 dated 14.07.2016 under the provisions of SC/ST Act against me at Police Station Sector 29, Gurgaon, whereas, I had sung the said Ragini as an artist and prior to me, many artists had already sung that Ragini and the composer of this Ragini is Pandit Jagdish Chander Jit and approximately 40 years have passed since this Ragini was composed. I had also sung this Ragini on public demand which was already sung by other artists. My purpose was to entertain the people through the Ragini,



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nor to hurt the feelings of any specific person or person of any specific caste. I am not against any caste, and still if the feelings of any one has hurt, then I have apologized publicly. Despite this, above said Nawab Satpal Tanwar is harassing me and torturing me. I am daughter without father. My father had expired since my childhood. Today, there is nobody along me. I have mother and younger brother, due to which I am being pressurized and daily above said Satpal Tanwar level allegations against me and sometimes get publish in newspaper to the effect that Sapna Chaudhary has given extortion of Rs.50 lakh to kill me and uses indecent words for me. Now indecent words have been used through U-tube, Facebook, WhatsApp using my name with regard to politicians, officers and police. I am attaching proof of the same. I am very much upset with such words of Satpal Tanwar. This person has defamed me in the whole society and brotherhood, due to which I am mentally harassed. I am a lady and Satpal Tanwar is taking benefit of the same and time and again torturing me. Sometimes, he says something and sometimes raises finger against my character, due to which I am upset and Satpal Tanwar is forcing me to commit suicide, because now I am left with no other way. If any accident or incident happens with me, then Satpal Tanwar shall be responsible for the same. I have become mentally upset due to this person. Despite levelling too many allegations, this person is arranging Rally against me on 04.09.2016 and he wants to defame me more and more through same. Therefore, I request you to take stern action against above said Satpal Tanwar. I shall be grateful to you. Dated 02.09.16. Applicant - Sd/- Sapna. Sapna Chaudhary d/o Bhupender Attri Phone No.9899548548, 9971682795.”



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7. A perusal of the aforesaid FIR would show that there are direct allegations attributable to the petitioner not only with regard to pressurizing respondent No.2 by levelling allegations but also allegedly getting them published in the newspaper by giving the name of respondent No.2/complainant and also using of indecent words towards her. Further allegation has been made pertaining to indecent words which have been used through YouTube, Facebook, WhatsApp etc. and connecting her with some police officials and some politicians. This Court is of the considered view that the allegations at this stage cannot be said to be only because of the counter-blast because they are distinct and separate allegations which are extremely serious in nature and the same cannot be quashed by this Court while exercising the power under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023. The argument raised by learned counsel for petitioner regarding *mala fide* are unsubstantiated and without any force at this stage where the FIR is still at investigation stage. The law with regard to quashing of the FIR at threshold and is no longer *res integra*. The law laid down by Hon'ble Supreme Court in "*State of Haryana and others Vs. Ch. Bhajan Lal and others case (supra)*" is well-settled in this regard. The relevant portion of the same is reproduced as under:-

"102. 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 FIR 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 FIR 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 FIR 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.



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(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.

103. 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 FIR 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".

8. After hearing the learned counsels for the parties and after perusing both the FIRs, this Court is of the considered view that none of the parameters contained in the aforesaid judgment remain satisfied. This Court does not find any ground to interfere and to quash the impugned FIR at this stage. Consequently, finding no merit in the present petition, the same is hereby dismissed.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

31.01.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No