



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

127

CRM-M-50873-2025

Date of Decision : 11.09.2025

SUKHBIR SINGH ALIAS SONI AND ANOTHER PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

.... RESPONDENTS

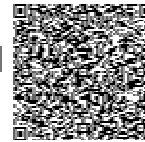
CORAM:HON'BLE MR. JUSTICE SUBHAS MEHLA

Present : Mr.J.S.Jaidka, Advocate
for the petitioners.

SUBHAS MEHLA, J. (Oral)

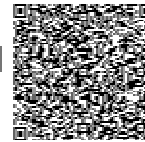
1. The instant petition has been filed for quashing of FIR No.40 dated 23.01.2018 registered under Sections 452, 323, 295-A, 506 of IPC at Police Station Daba, District Ludhiana along with all subsequent proceedings arising therefrom including the challan report dated 25.01.2025 (Annexure P-2).

2. Brief facts of the case are that on 23.01.2018, MHC disclosed ASI Balwinder Singh that an altercation took place at the shop of Kuldeep Singh @ Khera (complainant), whereupon he alongwith other officials went to the house of Kuldeep Singh @ Khera. Complainant got his statement recorded to the effect that he is running the business in the name & style of Khera Dairy at his address i.e. House No.125, Street No.2, Ishar Nagar, Police Station, Daba, District Ludhiana. At about 07:15 PM, three young persons with muffled faces and handkerchief came to his dairy and started fighting with him. They gave beatings to the complainant with sticks. First person gave stick blows on his hand, head from back side and blood started



oozing out of his head. The other two persons gave fist blows and removed his turban. On raising alarm, they ran away after giving threats of dire consequences. Complainant alleged that two back ago, he had received a threat from RK Builders that he should withdraw his complaint regarding the flats being constructed in the front of Gill Garden which he refused to do. Complainant further alleged that the aforesaid attack was conducted by the persons sent by RK Builders. He was medico-legally examined at Civil Hospital. On the basis of his statement and MLR, aforesaid FIR was recorded and investigation set in motion. On 23.03.2018, complainant got recorded his supplementary statement to the effect that on 20.01.2018 at about 11:00 AM, he was present at his dairy when two sardar persons came to him, namely Balwinder Singh Kahlon and Sukhvir Singh @ Soni Randhawa, residents of Palm Enclave, near Lohara Pull, Ludhiana. They told that due to complaints moved by him, they are suffering loss. On 21.01.20218, Municipal Corporation stopped the project of RK Builders, regarding which news was also published on 22.01.2018 at PTC News Channel. Upon that incident, at about 07:15 PM, complainant was attacked by three persons wearing handkerchief upon their faces. Out of them, one was wearing blue jacket and his name was Prabhjot Singh @ Jyoti. ON the basis of his supplementary statement, Balwinder Singh Kahlon, Sukhvir Singh @ Soni Randhawa and Prabhjot Singh @ Jyoti were named in the FIR.

3. Learned counsel for the petitioners contended that the petitioners are embroiled in the present case on the basis of supplementary statement of complainant which was given two months after the alleged incident which shows that the complainant's story is vague and he just out of



air mentioned the name of petitioners along with others. He further contended that it is a clear cut case wherein in order to address his civil concern, the complainant has tried to illegally use criminal prosecution as a way to arm-twist.

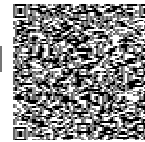
4. Notice of motion.

5. Mr. Subhash Godara, Additional Advocate General, Punjab, accepts notice on behalf of respondent-State and submitted that the petitioners have committed offence qua which FIR was registered on the same day and the investigation in this case has been completed and challan stands filed. The accused are sent for trial. Learned counsel further submitted that there are private witnesses also as per the list of prosecution witnesses.

6. Heard.

7. From the contents of FIR, it is clear that petitioners caused injuries to the complainant and he was medico-legally examined vide No.MLR/20/55/2018. Medical record is part of report under Section 173 Cr.P.C. As per allegation, they took off his turban which was also recovered during investigation. In the case in hand, challan stands presented on 25.01.2025 and the petitioners have efficacious remedy to raise all the pleas taken in this petition before the trial Court at the time of framing of charge.

8. The plenary inherent jurisdiction of the Court under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile 482 of CrPC) may be exercised to give effect to an order under the Code; to prevent abuse of the process of the Court; and to otherwise secure the ends of justice. The inherent jurisdiction, though wide and expansive, has to be exercised sparingly, carefully and with caution and only when such exercise is justified



by the tests specifically laid down in the section itself, that is, to make orders as may be necessary to give effect to any order under the Code, to prevent the abuse of the process of any Court or to otherwise secure the ends of justice.

9. For interference under Section 528 of BNSS, three conditions are to be fulfilled. The injustice which comes to light should be of a grave, and not of a trivial character; it should be palpable and clear and not doubtful and there should exist no other provision of law by which the party aggrieved could have sought relief. In exercising jurisdiction under Section 528 of BNSS, it is not permissible for the Court to act as if it were a trial Court. The Court is only to be *prima facie* satisfied about existence of sufficient ground for proceeding against the accused.

10. In view of the facts & circumstances of the case, this Court finds in effect that the allegations in the complaint attracted the offences, punishable under Sections mentioned in the FIR. Therefore, there is no merit in the present petition as the complainant received injuries *qua* which MLR was also conducted in Civil Hospital, Ludhiana and there are private witnesses also regarding the incident.

8. Dismissed.

(SUBHAS MEHLA)
JUDGE

11.09. 2025
Anju/avin

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No