

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

2025:PHHC:125563



CRM-M-50770 of 2025(O&M)  
Date of Order:11.09.2025

Gautam Dhaliya

.Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Ashish Soi, Advocate  
for the petitioner.

Mr. Kunwarbir Singh, AAG Punjab.

**SHALINI SINGH NAGPAL, JUDGE**

1. The petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023, seeks the following reliefs:-

- (i) Quashing of FIR No.92, dated 16.10.2024, under Section 75, 115(2), 351(1), 351(3), 296 Bhartiya Nyaya Sanhita (BNS), 2023, Police Station Division No.2, District Ludhiana;
- (ii) Direction to official respondents no.3 and 4 to place on record status report.

2. Learned counsel for the petitioner *inter-alia* submits that petitioner had been falsely implicated by the complainant, in connivance with the police and the first information report regarding molestation of respondent no.2 on 12.10.2024 was a bundle of lies as no such incident ever

occurred. Referring to the photographs, Annexure P-1, taken from the CCTV footage from shop of employer of respondent no.2, learned counsel argued that the photographs proved that the gathering outside the shop of complainant's employer was at around 9:30/9:45 p.m. and not during evening time, as alleged. He further submitted that from the CCTV footage of petitioner's house, relating to 16.10.2024, it would be clear that complainant/respondent no.2 was in the vicinity of the house at 7:49 p.m. and not in the Police Station for registration of FIR. He contended that the FIR was a result of pure after thought and was registered in clandestine manner in connivance with complainant's employer, who nursed grudge against the petitioner. The investigation was being conducted in felonious manner. Therefore, it was appropriate that the FIR under Section 75, 115(2), 351(1), 351(3), 296 Bhartiya Nyaya Sanhita (BNS), 2023, be quashed. He further submitted that petitioner's father had moved multiple representations before the official respondents but to no avail and the police conducted investigation in a high handed manner. On these grounds, it has been prayed that the FIR be quashed as the case was an abuse of the process of law.

3. Heard.

4. The scope of jurisdiction of the court under Section 528 Bhartiya Nagarik Suraksha Sanhita, 2023, is well settled. The inherent powers of the court are to be exercised sparingly and with circumspection, in rare cases where continuation of proceedings would amount to gross miscarriage of justice or in order to prevent manifest abuse of the legal process. It is equally well settled that at the stage of considering a petition for quashing of FIR, the court does not undertake an analysis of evidence nor does it adjudicate disputed questions of facts.

5. In the present case, allegations against the petitioner are that he had been harassing respondent no.2 for a long time and on 12.10.2024, when the victim went to the warehouse of her employer to collect goods, he followed her, grabbed her arm and forcibly molested her. When she raised alarm, he fled, threatening to kill her. When respondent no.2 told her employer, petitioner and 2-3 persons abused and thrashed her employer.

6. Whether or not the complainant/respondent no.2 was present in the police station when she lodged the FIR on 16.10.2024 and whether or not the incident in question occurred in evening or at night time, is a matter which requires appreciation of evidence including examination of witnesses, their cross-examination and the CCTV footage, if any, produced by the petitioner during trial. Disputed questions of fact cannot be resolved, at this stage, particularly when the FIR, discloses *prima facie* commission of cognizable offence(s).

7. The plea of learned counsel for the petitioner that petitioner had been falsely involved in the case, cannot be determined, at this stage, without allowing the prosecution and defence to lead evidence. The pictures of the CCTV footage, heavily relied upon by learned counsel cannot form the basis for quashing the FIR, when there are direct allegations by the complainant regarding the occurrence.

8. Hon'ble Supreme Court of India in *State of Haryana and otehrs vs. Bhajan Lal and others, 1992 Supp (1) SCC, 335* and *M/s Niharika Infrastructure Pvt. Ltd vs. State of Maharashtra and others, 2021 AIR SC 1918*, has observed that FIR cannot be quashed merely on the basis of an alternative version or defence, unless it clearly falls within the

well demarcated category laid down by the Hon'ble Supreme Court for exercising such jurisdiction.

9. For the reasons above, there is no ground to invoke inherent jurisdiction of the court under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 and to quash the FIR. The petitioner shall, however, be at liberty to raise all the please before the trial court at appropriate stage of the case.

10. The petition is dismissed.

11. Nothing observed hereinabove shall be construed as expression of opinion on merits of the case.

12. All the pending miscellaneous applications, if any, are also disposed of.

**(SHALINI SINGH NAGPAL)**  
**JUDGE**

**11<sup>th</sup> September, 2025**  
**nt**

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