



**124 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

**CRM-M-36388-2025 (O&M)
Date of Decision: 14.07.2025**

GAGAN CHHABRA

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Sharma-I, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No. 0123 dated 20.02.2025 under Sections 115, 190, 191(2), 324(4), 333, 351(3) of Bhartiya Nyaya Sanhita, 2023 (hereinafter to be referred as 'BNS') registered at Police Station HTM, Hisar District Hisar along with all subsequent proceedings arising therefrom.

2. FIR(supra) has been registered on the statement of respondent No. 2-complainant who alleged that on 19.02.2025, at around 10:00 PM, while he was working at Dharampal Wines, Suryanagar and Millgate, Hisar, a group of 5-7 boys came in a White Bolero vehicle and demanded liquor without paying for it. Upon refusal, said boys had allegedly returned back and after 10-15 minutes they came back with rods and hockey sticks; entered the shop of complainant, damaged the property and issued threats. The names of the petitioner-Gagan Chhabra and Monu Kangra were stated to have been identified upon inquiry, while others persons remained unidentified. The entire incident was also stated to have been recorded in the CCTV footage of the shop.



3. Learned counsel for the petitioner, *inter alia*, contends that bare perusal of the FIR reveals that no overt act or damage to property or life has been attributed to the present petition. Thus, the present petitioner has been falsely implicated in the FIR(supra) only due the fact that a fight had taken place between some persons and the employees of the liquor vend and the petitioner had tried to intervene and pacify the persons involved in the said fight. Further, the complainant has given an affidavit, wherein he has categorically stated that petitioner was not involved in the abovesaid fight. Thus, the FIR(supra) is clearly an abuse of the process of law. Lastly, learned counsel for the petitioner submits that the petitioner would be satisfied in case all the documents, which are annexed with the present petition and all the averments made herein, are considered by the Investigating Officer before submitting the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).

4. Notice of motion.

5. On asking of the Court, Ms. Geeta Sharma, DAG Haryana, Punjab, who is present in the Court, accepts notice on behalf of the respondent No. 1-State and submits that she has no objection, in case the Investigating Officer is directed to consider all the documents, which are annexed with the present petition, before preparing the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal today itself.



7. Keeping in view the aforesaid facts and circumstances, present petition is disposed of with a direction to the Investigating Officer to consider all the documents, which are annexed with the present petition and averments made in the present petition, before preparing the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).

8. It is clarified that in case, final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*) is against the petitioners, they would be at liberty to file a fresh petition to challenge the FIR (*supra*) as well as the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).

14.07.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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