

(2026) 06 SHI CK 0054
In the High Court Of Himachal Pradesh
Case No : CR. MMO No. 379 Of 2024

Sukhvinder Singh & Anr

APPELLANT

Vs

State Of HP & Anr

RESPONDENT

Date of Decision : 03-06-2026

Acts Referred:

Constitution Of India, 1950 — Article 226
Indian Penal Code, 1860 — Section 34, 201, 423, 427, 448, 454, 506
Code Of Criminal Procedure, 1973 — Section 155(2), 156(1), 227, 482
Himachal Pradesh Urban Rent Control Act, 1987-Section

Citation : (2026) 06 SHI CK 0054

Hon'ble Judges : Rakesh Kainthla, J

Bench : Single Bench

Advocate : Tara Singh Chauhan, Surya Chauhan,, Jitender Sharma, Anshul Jairath

Final Decision : Disposed Of

Judgement

Rakesh Kainthla, J

1. The petitioner has filed the present petition for quashing of FIR No.107 of 2022, dated 15.10.2022, registered at Police Station Sadar, District Mandi, H.P., for the commission of offences punishable under Sections 454, 448, 423, 506, 427 and 201 read with Section 34 of the Indian Penal Code (IPC) and the consequential proceedings arising out of the FIR.

2. Briefly stated, the facts giving rise to the present petition are that Vishal Seth, son of informant Varsha Seth, had taken a shop from petitioner Sukhvinder Singh for running a clinic in the year 2011. An agreement was executed between the petitioner and Vishal Seth. Vishal Seth paid ₹ 2,00,000/- as security, and the rent was fixed as ₹ 12,000/- per month. Vishal Seth left the country on 20.1.2016. The informant, her husband and her daughter-in-law, Megha Seth, used to look after the clinic. The informant's husband and daughter-in-law went to the clinic on 8.4.2022 and found it to be locked. They reported the matter to

the police. The informant and her husband had gone to Shimla on 26.4.2022. Sheela Devi informed them on 26.4.2022 that Sukhvinder and his wife, Ravneet Kaur, had entered the clinic after breaking the lock. They had put their sewing machine in the clinic and had taken possession of the clinic. The informant reported the matter to the police. The police visited the spot, and the informant found many articles missing. The informant and her husband went to the clinic on 10.5.2022, where Sukhvinder, Ravneet Kaur, Mansha Singh and Maan Kaur had a scuffle with them. They also threatened to kill the informant's husband if he entered the clinic. The police registered the FIR and investigated the matter. The police collected the documents and recorded the statements of witnesses. The police found after the investigation that the informant and her husband were taking care of the clinic. Ravneet Kaur had repeatedly asked the informant and her husband to vacate the clinic. The rent was increased to ₹ 13,100/-. The accused put the lock on the clinic on 8.4.2022. She put her articles inside the clinic on 26.4.2022. Hence, the police filed a charge sheet before the Court.

3. Being aggrieved by the registration of the FIR and the filing of the charge sheet, the petitioners have approached this Court for quashing of the FIR and the consequential proceedings arising out of it. It has been asserted that FIR and further proceedings are an abuse of the process of law. Vishal Seth had taken the premises for running the private clinic. He left the country on 20.1.2016 and did not return. The informant was not a tenant, and the Rent Controller had held so. The continuation of the proceedings would amount to an abuse of the process of the Court. Hence, it was prayed that the present petition be allowed and the FIR and consequential proceedings arising out of it be quashed.

4. I have heard Mr Tara Singh Chauhan, learned Senior Advocate, assisted by Mr Surya Chauhan, learned counsel for the petitioners, Mr Jitender Sharma, learned Additional Advocate General for respondent No.1-State and Mr Anshul Jairath, learned counsel for respondent No.2-informant.

5. Mr Tara Singh Chauhan, learned Senior Advocate for the petitioner, submitted that the learned Rent Controller has held that the informant is not a tenant and she has no locus standi to approach him. The original tenant had left the country and has not returned. The continuation of the proceedings would amount to an abuse of the process of the Court because the chances of conviction are bleak. Therefore, he prayed that the present petition be allowed and the FIR and consequential proceedings arising out of it be quashed.

6. Mr Jitender Sharma, learned Additional Advocate General for respondent No.1-State, submitted that the petitioners have no right to forcibly dispossess the tenant and damage the articles lying inside the premises. The police found sufficient material to file the charge sheet against the petitioners before the competent Court of law. The Court is seized of the matter, and this Court should not exercise its inherent jurisdiction. Hence, he prayed that the present petition be dismissed.

7. Mr Anshul Jairath, learned counsel for the informant, adopted the submissions of Mr Jitender Sharma, learned Additional Advocate General for respondent No.1-State.

8. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

9. The law relating to quashing of criminal cases was explained by the Hon'ble Supreme Court in B.N. John v. State of U.P., 2025 SCC OnLine SC 7 as under: -

"7. As far as the quashing of criminal cases is concerned, it is now more or less well settled as regards the principles to be applied by the court. In this regard, one may refer to the decision of this Court in State of Haryana v. Ch. Bhajan Lal, 1992 Supp (1) SCC 335, wherein this Court has summarised some of the principles under which FIR/complaints/criminal cases could be quashed in the following words:

"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 based on 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.

(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 a private and personal grudge." (emphasis added)

8. Of the aforesaid criteria, clause no. (1), (4) and (6) would be of relevance to us in this case.

In clause (1), it has been mentioned that 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, then the FIR or the complaint can be quashed.

As per clause (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 dated by the Magistrate as contemplated under Section 155 (2) of the CrPC, and in such a situation, the FIR can be quashed.

Similarly, as provided under clause (6), if there is an express legal bar engrafted in any of the provisions of the CrPC or the concerned Act under which the criminal proceedings are instituted, such proceedings can be quashed."

10. This position was reiterated in *Ajay Malik v. State of Uttarakhand*, 2025 SCC OnLine SC 185, wherein it was observed:

"8. It is well established that a High Court, in exercising its extraordinary powers under Section 482 of the CrPC, may issue orders to prevent the abuse of court processes or to secure the ends of justice. These inherent powers are neither controlled nor limited by any other statutory provision. However, given the broad and profound nature of this authority, the High Court must exercise it sparingly. The conditions for invoking such powers are embedded within Section 482 of the CrPC itself, allowing the High Court to act only in cases of clear abuse of process or where intervention is essential to uphold the ends of justice.

9. It is in this backdrop that this Court, over the course of several decades, has laid down the principles and guidelines that High Courts must follow before quashing criminal proceedings at the threshold, thereby pre-empting the Prosecution from building its case before the Trial Court. The grounds for quashing, inter alia, contemplate the following situations : (i) the criminal complaint has been filed with mala fides; (ii) the FIR represents an abuse of the legal process; (iii) no prima facie offence is made out; (iv) the dispute is civil in nature; (v.) the complaint contains vague and omnibus allegations; and (vi) the

parties are willing to settle and compound the dispute amicably (State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335).

11. A similar view was taken in *Rajendra Bihari Lal v. State of U.P.*, 2025 SCC OnLine SC 2265, wherein it was observed:

"70. The aforesaid decisions of this Court make it clear that where the High Court is satisfied that the process of any court is being abused or likely to be abused or that the ends of justice would not be secured, it is not only empowered but also obligated under the law to exercise its inherent powers. The provision does not confer any new power on the High Court but rather saves the power which the High Court already possesses, from before the enactment of the legislation, by reason of its very existence. In exercise of its power, it would be legitimate for the High Court to quash any criminal proceedings if the High Court finds that the initiation or continuation of it may lead to abuse of process of court, and quashing of the proceedings would serve the ends of justice."

12. The present petition is to be decided as per the parameters laid down by the Hon'ble Supreme Court.

13. A heavy reliance was placed upon the order passed by the Rent Controller and the Appellate Authority, who had held that the informant's husband, Rajan Kumar Seth, was not a tenant and he had no locus standi to seek the urgent relief under Section 11 of the H.P. Urban Rent Control Act. It is difficult to see how this finding can help the petitioners. It is not the case of the informant that her husband was a tenant. Her simple case is that her son was a tenant. Therefore, the finding recorded by the Rent Controller and the Appellate Authority that the informant's husband is not a tenant will not falsify the informant's version.

14. The petitioners have also not disputed in the present petition that the informant's son was a tenant who has left the country. The petitioners, being the land owners, have the right to evict the tenant by taking recourse to the provisions of the H.P. Urban Rent Control Act. They cannot evict a tenant forcibly by taking the law into their own hands. They have no right to put a lock on the premises of the tenant or to break open the lock and damage the articles lying inside it. They had parted with the possession in favour of the tenant, and unless the possession is restored to them, they would be guilty of house trespass by forcibly entering into the premises.

15. The police have found that the tenant had executed a Power of Attorney in favour of his father, Rajan Seth. The informant and her husband used to look after the clinic. Therefore, as per the investigation, the informant and her husband were acting under the instructions of the tenant. Therefore, they were not strangers but authorised agents of the tenant, and it cannot be said that they had no locus standi to institute a complaint before the police.

16. The allegations in the FIR and the result of the investigation show the

commission of cognizable offences. The Learned Trial Court is seized of the matter, and it should be permitted to continue with the proceedings. It was laid down by the Hon'ble Supreme Court in *Iqbal v. State of U.P.*, (2023) 8 SCC 734: 2023 SCC OnLine SC 949 that when the charge sheet has been filed, the learned Trial Court should be left to appreciate the same. It was observed:

"At the same time, we also take notice of the fact that the investigation has been completed and the charge sheet is ready to be filed. Although the allegations levelled in the FIR do not inspire any confidence, particularly in the absence of any specific date, time, etc. of the alleged offences, we are of the view that the appellants should prefer a discharge application before the trial court under Section 227 of the Code of Criminal Procedure (CrPC). We say so because even according to the State, the investigation is over and the charge sheet is ready to be filed before the competent court. In such circumstances, the trial court should be allowed to look into the materials which the investigating officer might have collected forming part of the charge sheet. If any such discharge application is filed, the trial court shall look into the materials and take a call whether any discharge case is made out or not."

17. It was submitted that false allegations have been made in the FIR, and the proceedings should not be allowed to continue. This submission will not help the petitioners. It was held in *Punit Beriwal v. State (NCT of Delhi)*, 2025 SCC OnLine SC 983, that the Court exercising jurisdiction under Section 482 of CrPC has to treat the allegations in the complaint as correct. It was observed: -

"29. It is settled law that the power of quashing of a complaint/FIR should be exercised sparingly with circumspection, and while exercising this power, the Court must believe the averments and allegations in the complaint to be true and correct. It has been repeatedly held that, save in exceptional cases where non-interference would result in a miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences. Extraordinary and inherent powers of the Court should not be used routinely according to its whims or caprice."

18. It was laid down in *Maneesha Yadav v. State of U.P.*, 2024 SCC OnLine SC 643, that the Court exercising inherent jurisdiction to quash the FIR cannot go into the truthfulness or otherwise of the allegations. It was observed: -

"13. As has already been observed hereinabove, the Court would 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 at the stage of quashing of the proceedings under Section 482 Cr. P.C. However, the allegations made in the FIR/complaint, if taken at their face value, must disclose the commission of an offence and make out a case against the accused. At the cost of repetition, in the present case, the allegations made in the FIR/complaint, even if taken at their face value, do not disclose the commission of an offence or make out a case against the accused. We are of the considered view that the present case would

fall under Category-3 of the categories enumerated by this Court in the case of Bhajan Lal (supra).

14. We may gainfully refer to the observations of this Court in the case of Anand Kumar Mohatta v. State (NCT of Delhi), Department of Home (2019) 11 SCC 706: 2018 INSC 1060:

"14. First, we would like to deal with the submission of the learned Senior Counsel for Respondent 2 that once the charge sheet is filed, the petition for quashing of the FIR is untenable. We do not see any merit in this submission, keeping in mind the position of this Court in Joseph Salvaraj A. v. State of Gujarat [Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59: (2011) 3 SCC (Cri) 23]. In Joseph Salvaraj A. [Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59: (2011) 3 SCC (Cri) 23], this Court while deciding the question of whether the High Court could entertain the Section 482 petition for quashing of FIR when the charge-sheet was filed by the police during the pendency of the Section 482 petition, observed: (SCC p. 63, para 16)

"16. Thus, the general conspectus of the various sections under which the appellant is being charged and is to be prosecuted would show that the same is not made out even prima facie from the complainant's FIR. Even if the charge sheet had been filed, the learned Single Judge [Joesph Saivaraj A. v. State of Gujarat, 2007 SCC OnLine Guj 365] could have still examined whether the offences alleged to have been committed by the appellant were prima facie made out from the complainant's FIR, charge-sheet, documents, etc. or not."

19. It was laid down by the Hon'ble Supreme Court in Dharambeer Kumar Singh v. State of Jharkhand, (2025) 1 SCC 392: 2024 SCC OnLine SC 1894 that the Court cannot conduct a mini-trial while exercising jurisdiction under section 482 of CrPC. It was observed on page 397:

"17. This Court, in a series of judgments, has held that while exercising inherent jurisdiction under Section 482 of the Criminal Procedure Code, 1973, the High Court is not supposed to hold a mini-trial. A profitable reference can be made to the judgment in CBI v. Aryan Singh [CBI v. Aryan Singh, (2023) 18 SCC 399: 2023 SCC OnLine SC 379].

The relevant paragraph from the judgment is extracted hereunder: (SCC paras 6-7)

6. ... As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482CrPC, the Court is not required to conduct the mini-trial. ...

7. ... At the stage of discharge and/or while exercising the powers under Section 482CrPC, the Court has very limited jurisdiction and is required to consider 'whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not'."

20. This position was reiterated in Muskan v. Ishaan Khan (Sataniya), 2025 SCC OnLine SC 2355, wherein it was observed: -

22. On the aspect of the powers of the Courts under Section 482 of the Cr. P.C., it is settled that at the stage of quashing, the Court is not required to conduct a mini-trial. Thus, the jurisdiction under Section 482 of the Cr. P.C. with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to proceed against the accused or not. If sufficient material is available, the power under Section 482 should not be exercised.

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27. We are of the view that the High Court has erred in law by embarking upon an enquiry with regard to the credibility or otherwise of the allegations in the complaints and the FIR. Normally, for quashing an FIR, it must be shown that there exists no prima facie case against the accused persons..."

21. Therefore, it is impermissible for this Court to conduct a mini-trial to determine whether the allegations in the FIR are correct or not.

22. No other point was urged.

23. In view of the above, the present petition fails, and it is dismissed.

24. The present petition stands disposed of, and so are the miscellaneous applications, if any.

25. The observations made herein before shall remain confined to the disposal of the petition and will have no bearing whatsoever on the merits of the case.