



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

**CRM-M No.14360 of 2026
Date of decision: 13.05.2026**

Jaswinder Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Piyush Setia, Advocate
for the petitioner.

Mr. Sahil Chowdhary, AAG, Punjab.

MANDEEP PANNU, J. (Oral)

1. Present petition has been filed under Section 528 BNSS/482 Cr.P.C for quashing of FIR No.97 dated 01.05.2025, registered under Sections 324, 326(a), 326(c) BNS (corresponding Sections 425, 430, 432 IPC) at Police Station Lambi, District Sri Muktsar Sahib, along with Final Report/Challan dated 02.10.2025 submitted under Section 193 BNSS/173 Cr.P.C. and all consequential proceedings arising therefrom.

2. Brief facts of the case are that the present FIR was registered on the basis of a complaint received from the Sub-Divisional Officer, Lambi Canal Sub-Division, Mahuana, alleging that petitioners Jaswinder Singh and Hardev Singh had illegally demolished a functional unlined watercourse (Katcha Khal) situated on the southern boundary of Killa No. 9/2, 79M, Village Sikhwala. It was alleged that despite proceedings having



already been initiated by the Canal Department and notices having been issued for hearing under the Canal Act, the petitioners demolished the said watercourse prior to the date fixed for hearing. Upon inspection conducted on 08.02.2025, the Canal Department found that the functional watercourse had been demolished and accordingly, recommended registration of a criminal case against the accused persons.

3. During investigation, the police recorded statements of witnesses, inspected the spot and prepared the site plan. It was found from the contents of the complaint and the material collected during investigation that the petitioners had demolished the functional unlined watercourse, whereupon offences under Sections 324, 326A and 326C BNS were found to be made out against them. Raids were conducted at the residences of the accused persons and subsequently, they appeared before learned Judicial Magistrate First Class, Malout, whereafter they were formally arrested and later released on bail as the offences were bailable. Thereafter, statements of witnesses were recorded and upon completion of investigation, challan under Section 193 BNSS was presented before the competent Court for trial/adjudication.

4. It has been contended by learned counsel for the petitioners that the present FIR is nothing but a gross misuse of the process of law and has been registered without verifying the official irrigation and revenue records. It is submitted that the very foundation of the prosecution case is factually incorrect inasmuch as respondent No.2 alleged himself to be a shareholder of Outlet No.23965/L, whereas the site plan forming part of the challan clearly shows that the land of the parties falls under Outlet No.23935/L. It is further



contended that the FIR as well as the statement of the Patwari mentions demolition of a watercourse running through Killa No.9/2 of 79M, whereas no such killa number exists in the Jamabandi record, thereby creating serious doubt regarding the genuineness of the prosecution case. Learned counsel further submits that the Irrigation Department itself had allotted a specific irrigation opening (Naka) to respondent No.2 and, therefore, the allegation regarding dependence upon a temporary watercourse through the land of the petitioners is self-contradictory. It is also argued that the entire dispute pertains to alleged demolition/restoration of a kacha khal and is purely civil and administrative in nature, governed by the provisions of the Northern India Canal and Drainage Act, 1873, for which appropriate remedy was available before the Canal Authorities. It is further submitted that the criminal machinery has been set in motion only due to political pressure and the continuation of criminal proceedings would amount to abuse of process of law.

5. On the other hand, learned State counsel, while opposing the present petition, has submitted that the case has been rightly registered on the basis of a communication issued by the competent Canal Authorities after spot inspection. It is contended that during inspection, it was found that the petitioners had illegally demolished the functional unlined watercourse and thereby obstructed irrigation facilities. Learned State counsel further submits that the investigation was conducted in accordance with law, statements of witnesses were recorded, site plan was prepared and after collection of sufficient material, challan has already been presented before the competent Court. It is argued that merely because the petitioners



dispute the outlet number or the khasra particulars would not render the entire prosecution case false at this stage. It is further submitted that disputed questions regarding identity of land, existence of watercourse and correctness of official records can only be adjudicated upon after evidence is led before the trial Court and the present petition deserves dismissal.

6. I have heard learned counsel for the parties and have gone through the paper-book.

7. It is well settled that the powers of quashing under Section 528 BNSS are to be exercised sparingly and with great caution and only in cases where continuation of criminal proceedings would amount to abuse of the process of Court or where no offence whatsoever is made out from the allegations contained in the FIR. At the stage of quashing, this Court is not expected to conduct a mini trial or meticulously appreciate the disputed questions of fact and evidence.

8. In the present case, the petitioners have raised various factual pleas regarding the incorrect outlet number, alleged non-existence of the killa number, correctness of irrigation records, and the civil nature of the dispute. However, all these pleas involve disputed questions of fact which require appreciation of evidence and examination of the official records during the course of trial. The investigation in the present case has already culminated into filing of challan before the competent Court and the prosecution has collected material in support of the allegations levelled in the FIR. Whether the watercourse actually existed, whether the petitioners demolished the same, and whether the particulars mentioned in the official communications are correct or not, are the matters to be adjudicated upon



by the trial Court after the parties lead their respective evidence. This Court, while exercising jurisdiction under Section 528 BNSS, cannot embark upon appreciation of such disputed factual aspects.

9. Accordingly, finding no ground to interfere in the present matter, the present petition is dismissed.

10. However, anything observed herein shall not be construed as an expression on the merits of the case.

11. All pending applications, if any, also stand disposed of.

13.05.2026
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(MANDEEP PANNU)
JUDGE

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