

PUNJAB AND HARYANA HIGH COURT

SINGLE BENCH

(Before : Virinder Aggarwal, J.)

SAKEEL KHAN

Vs.

STATE OF HARYANA AND OTHERS

Criminal Miscellaneous (M) No 69156 of 2025 (O&M)

Decided on : 03-08-2026

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528 — Quashing of Order / Registration of FIR — Scope of Judicial Interference in Inchoate Allegations — Where a petition was filed under Section 528 of the BNSS, 2023, seeking to quash a speaking order issued by the Superintendent of Police consigning the petitioner's complaint to record, the High Court held that judicial intervention is unwarranted if the police inquiry reveals that the allegations are vague, omnibus, and unsubstantiated — Where the post-mortem report prima facie indicated death due to hanging, and a subsequent detailed inquiry by the police showed no evidence supporting allegations of phone calls from a third party, bribe offers, or mental harassment—with the petitioner failing to furnish even the foundational facts—the speaking order passed after due consideration suffers from no perversity, arbitrariness, or non-application of mind — Consequently, no direction for the registration of an FIR or further investigation is required. (Paras 1, 6, 7, 7.1, 7.2, 7.3)

JUDGMENT

Virinder Aggarwal, J. - The present petition has been instituted under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the impugned speaking order dated 06.10.2025 (Annexure P-6) passed by respondent No.3-Superintendent of Police, District Nuh, whereby the petitioner's detailed complaint dated 01.09.2025 (Annexure P-3) was mechanically consigned to record without conducting a fair, effective and meaningful investigation, and in complete disregard of the binding directions issued by this Court in CRWP No.9749 of 2025, vide order dated 08.09.2025 (Annexure P-4). The petitioner further prays that the impugned order be declared unsustainable in law, being vitiated by patent non-application of mind, procedural impropriety, arbitrariness, bias and violation of the principles of natural justice.

2. The factual matrix, shorn of unnecessary details, is that the petitioner, Sakeel Khan, solemnized his marriage with Naima on 14.06.2025 in accordance with Muslim rites and customs. It is the petitioner's case that shortly thereafter, Naima died under highly suspicious and unnatural circumstances, giving rise to a serious apprehension regarding the true cause of her death. According to the petitioner, the post-mortem report itself disclosed circumstances necessitating a lawful, fair and impartial investigation. Consequently, the petitioner submitted representations dated 05.08.2025 and 01.09.2025 seeking registration of a criminal case against respondent Nos.6 to 8. Since no action was taken by the competent authorities, the petitioner approached this Court by filing CRWP No.9749 of 2025, wherein this Court, vide order dated 08.09.2025, directed the competent authority to consider and decide the petitioner's representation dated 01.09.2025 by passing a reasoned and speaking order within a period of thirty days.

3. Pursuant thereto, the petitioner submitted yet another comprehensive representation dated 26.09.2025, reiterating his request for registration of an FIR and a thorough investigation into the circumstances surrounding the death of his wife. However, respondent No.3-Superintendent of Police, District Nuh, vide speaking order dated 06.10.2025, declined the petitioner's request and consigned the complaint to record, while observing that if any fresh evidence surfaced in future, appropriate action would be taken in accordance with law.

4. Aggrieved by the aforesaid order, the petitioner has invoked the extraordinary jurisdiction of this Court under Section 528 of the BNSS, 2023, inter alia, seeking its quashing on the ground that the same has been passed in a wholly mechanical and arbitrary manner, without proper appreciation of the material placed on record, in complete disregard of the directions issued by this Court, and in violation of the principles of natural justice. The petitioner further seeks issuance of appropriate directions for registration of an FIR and the conduct of a fair, impartial and effective investigation in accordance with law.

5. I have heard learned counsel for the petitioner at considerable length and have meticulously perused the record with his able assistance.

6. A careful perusal of the material placed on record reveals that, as per the post-mortem examination report, Naima is alleged to have died due to hanging. The external injuries recorded in the post-mortem report are reproduced hereunder for ready reference:-

"The Reddish Abraded Ligature Mark Present Around The Neck Well Above Thyroid Cartilage, It Was 32 Cm In Length And Width 1.5 Cm At Places, It Was Present 8 Cm Inferior To Chin, From There It Was Going Obliquely Upwards To Lie 5 Cm From The Right Mastoid Process And 7 Cm From Tip Of Left Mastoid Process. It Was In Continues At Left Angle Of Mandible And Knot Mark Present Over Left Angle Of Mandible And Knot Was Preserved. On Dissection, Marginal Ecchymosis Was Present. It Was Dry, Hard And Parchment Like In Appearance. On Further Dissection, Underlying Laryngotracheal Structures Were Ecchymosed. On Further Dissection, The Hyoid Bone Was Intact And Not Fused."

7. A careful perusal of the post-mortem report, particularly the external injuries noted therein, prima facie indicates that the deceased died as a result of hanging. The principal grievance raised by the petitioner in his representations is that his wife, Naima, was allegedly maintaining an illicit relationship with one Khalid, who, according to the petitioner, had spoken to her telephonically on 12.06.2025, thereafter she allegedly committed suicide by hanging on 13.06.2025 at about 10:00 p.m. In a subsequent representation, the petitioner further alleged that respondent Nos. 6 to 8 had offered him a bribe of Rs. 5,00,000/- to dissuade him from initiating or pursuing legal proceedings and had been subjecting the deceased to continuous mental harassment by pressurising her to sever her matrimonial relationship and remain detached from her lawful matrimonial home.

7.1. However, the record reveals that the Superintendent of Police, Nuh, caused a detailed inquiry to be conducted into the allegations levelled by the petitioner. Upon completion of the inquiry, it was concluded that none of the allegations found substantiation from the material collected during the investigation. In particular, no evidence was found to establish that Khalid had made any telephonic call to the deceased. On the contrary, it emerged during the inquiry that the petitioner himself was unable to furnish or even disclose the mobile number allegedly being used by the deceased. Furthermore, the inquiry disclosed that the parental family of the deceased had, on 14.06.2025, submitted a complaint against the petitioner and his family members; however, upon intervention and assurance, the brother of the deceased subsequently made a statement expressing that he did not wish any legal action to be taken against the petitioner.

7.2. The inquiry further found no material whatsoever to substantiate the petitioner's allegations regarding the alleged offer of a bribe or the alleged acts of intimidation attributed to the private respondents. Significantly, the representations submitted by the petitioner are founded upon vague, omnibus and unsubstantiated allegations, bereft of any specific particulars such as the date, time, place or manner in which the alleged offer of bribe was made. Likewise, although the petitioner asserted that Khalid had spoken to the deceased telephonically on 12.06.2025, he was unable to establish even the foundational fact that the deceased possessed or was using any mobile phone. During the course of the inquiry, Khalid also joined the inquiry and categorically stated that he had no knowledge of the deceased possessing any mobile phone or having communicated with her.

7.3. In the aforesaid factual backdrop, this Court finds that the impugned speaking order has been passed after due consideration of the material available on record and does not suffer from any perversity, arbitrariness, non-application of mind or procedural infirmity warranting interference in exercise of the extraordinary jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner has failed to demonstrate the existence of any credible material necessitating registration of an FIR or any further direction by this Court. Consequently, finding no merit in the present petition, the same is hereby dismissed.

8. In light of the final disposition of the captioned matter, all pending miscellaneous and interconnected applications are hereby deemed disposed of. The adjudication of the primary dispute has spent the force of these ancillary proceedings, rendering them

infructuous ex facie. Consequently, no independent or supplemental orders are warranted or required in respect thereof.