

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No.945/2026
Date of Decision: 03rd September, 2026.

Puneet Sood. Petitioner
Versus

State of HP and Ors. Respondents.

Coram

The Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the Petitioner: Mr. Sudhir Thakur, Sr. Advocate with
Mr. Karun Negi, Advocate.

For the Respondents: Mr. Lokender Kutehria, Addl. Advocate
General, for respondent No.1.

Bipin Chander Negi, Judge (oral).

The present petition has been preferred against the impugned order dated 13.07.2026, whereby the Judicial Magistrate First Class (hereinafter referred as JMFC), Rajgarh, District Sirmaur, HP, after considering an application preferred under Section 175(3) of the BNSS, the status report filed by the respondent-State was satisfied that the complaint discloses the commission of a cognizable offence, and hence, directed the Station House Officer (SHO) of Police Station Sarahan, District Sirmaur, to register a FIR and accordingly investigate the matter in accordance with law.

2. Heard counsel for the parties and perused the pleadings, the impugned order and the documents appended along with the petition.

3. The application under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is placed on record as

¹ Whether reporters of Local Papers may be allowed to see the judgment?

Annexure P-1 (at page 10 of the paper-book). From a perusal of the same, it is evident that the applicant (respondent No. 2 herein) had stated in the said application that she is a local public representative and, in the month of December 2024, it came to the knowledge of the applicant that one Smt. Ranbir Sood (accused), wife of Puneet Sood (petitioner/accused), working as a property dealer in the area of Sarahan and various other areas of District Sirmaur, HP, had been indulging in buying and selling parcels of land, huge amounts of money worth crores of rupees were invested by her in such properties.

4. For the purchase of land in Himachal Pradesh, one has to be an agriculturist Himachali, as per the local land laws (H.P. Tenancy and Land Reforms Act). According to the applicant/respondent No.2, Sh. Ranbir Sood (accused) is not a resident of Himachal Pradesh, and the agriculturist certificate being used for procuring lands appears to have been obtained by fraud.

5. In the application filed, reliance has been placed by the applicant/respondent No.2 on information obtained under the Right to Information Act, whereby the relationship *inter se* one Smt. Tripta Devi and accused-Ranbir Sood is doubted. Other than the aforesaid, the relationship *inter se* Smt. Tripta Devi and the present petitioner-Puneet Sood (accused No. 2) has also been doubted. The agriculturist certificate issued in the case at hand Annexure A1 (page 21 of the paper book) has

been issued in favour of Sh. Ranbir Sood (accused) on account of ownership of land in Himachal Pradesh by Smt. Tripta Devi.

6. The steps taken by the applicant/respondent No.2 before filing the application under Section 175(3) of the BNSS, 2023, have been highlighted in the complaint. In this respect, it would be appropriate to reproduce the relevant paragraphs of the application.

"10. That the applicant submitted various complaints to the concerned departments and to the local Police Station, Sarahan, seeking inquiry into the matter and initiation of proceedings against the said persons, but all in vain. The applicant also submitted the relevant original documents along with the complaint to the concerned officials, but nothing has been done till date. Moreover, the applicants did their best, being law-abiding citizens and feeling duty-bound to bring the matter to the notice of the concerned authorities for necessary action, but all efforts proved futile.

11. That feeling aggrieved and after running from pillar to post, the applicants were left with no option but to approach the higher officials of the police. Availing the last available remedy, the applicants again submitted a complaint before the S.P., Sirmaur, at Nahan, District Sirmaur, H.P., on 27.01.2026. A copy of the complaint dated 27.01.2026 is annexed as Annexure A7 for the kind perusal of this Hon'ble Court.

However, the applicants were called by the police officials only once, and till date no further action has been taken against the accused persons."

7. Based on the aforesaid, the JMFC, Rajgarh, District Sirmaur, had called for a status report. Post perusal of the status report, the impugned order dated 13.07.2026 has been passed.

8. The first and foremost contention raised on behalf of the petitioner(accused) is the non-compliance of Section 173(1) and Section 173(4) of the BNSS, 2023. The requirement of sub-Section 1 of Section 173 is that information regarding the commission of a cognizable offence has to be furnished to an officer-in-charge of a Police Station. The same is evident from the contents of paragraph 10 of the application filed (reproduced *supra*), which is duly supported by an affidavit.

9. Other than the aforesaid, the status report filed before the JMFC is placed at page 43 of the paper-book. From a perusal of the same, it is evident that in the status report it is admitted that *qua* the issue being raised in the application filed under Section 175(3), a complaint had previously been lodged by respondent No. 2/applicant (*see paragraph 2 at page 44 of the status report*).

10. Similarly, the requirement of Section 173(4) is that the information referred to in sub-section (1) of Section

173, in writing, is required to be sent to the Superintendent of Police concerned. A copy of the same has been placed on record (page 45 of the paper-book) and is dated 27.01.2024. Receipt of the same in the office of the Superintendent of Police is evident from the stamp endorsed thereon. In view thereof, there exists compliance with Section 173(4) of the BNSS.

11. It is well-settled that Section 173(1) and Section 173(4) of the BNSS are two remedies available for setting the criminal law in motion. Therefore, before an applicant chooses to adopt the remedy under Section 175(3) of the BNSS, the applicant must exhaust the remedies under Section 173(1) and (4) of the BNSS. Further, in the application filed under Section 175(3), there must exist averments in the complaint and documents to substantiate the same.

12. Other than the aforesaid, an argument has been raised with respect of the affidavit filed in support of the application/complaint filed under Section 175(3) of the BNSS. In this respect, attention of the Court has been invited to Section 333 of the BNSS, 2023.

13. Suffice it to state that the the application/complaint filed under Section 175(3) of the BNSS is based on documents obtained by respondent No. 2/applicant. Hence, in the affidavit filed along with the application, it has been categorically stated that the contents of the application are true and correct to the best of the knowledge of respondent

No.2/complainant. In my considered view, there is no infirmity in the affidavit filed in support of the application under Section 175(3) of the BNSS.

14. The findings returned qua compliance with Section 175(1), Section 175(4), and the affidavit filed along with the complaint by the JMFC in its impugned order dated 13.07.2026, in my considered view, call for no interference.

15. A perusal of Annexure A-1, the agriculturist certificate dated 26.07.2021 placed on record (at page 21 of the paper-book,), categorically reflects that Ranbir Sood (accused), wife of petitioner Puneet Sood (accused), has been issued an agriculturist certificate based on the ownership of land of one Smt. Tripta Devi. Smt. Tripta Devi is the mother of the present petitioner Puneet Sood (accused), and she is the daughter of one Shri Bhagwan Dass. In the agriculturist certificate so issued, Smt. Tripta Devi is said to be the owner of land bearing Khata/Khatoni No.116, Khasra No.784, measuring 0-05-92, situated in Mohal/Mauza Nahan Nagrota, Tehsil Paragpur, District Kangra.

16. In this backdrop, it would be appropriate to refer to Annexure A-4 (at page 37 of the paper-book), a letter issued by the Tehsildar, Paragpur, District Kangra, to the Sub-Divisional Magistrate (SDM), Pachhad, District Sirmaur, wherefrom it is evident that Smt. Tripta Devi, daughter of Bhagwan Dass, is not the owner of the land comprised in Khata

No.116, Khasra No.784, as per the *jamabandi* for the year 2020–2021. Hence, the basis for issuance of the Agriculturist Certificate in favour of Ranbir Sood (accused) is jeopardised. The purpose of investigation is to elicit the truth.

17. For the aforesaid reasons, there is no merit in the present petition. The impugned order dated 13.07.2026 calls for no interference. Accordingly, the petition is dismissed being devoid of merit and, so also the pending application(s), if any.

(Bipin Chander Negi)
Judge

03RD September, 2026
(Gaurav Rawat)