

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

**CRM-M-2025-2019**

**DATE OF DECISION:-29.01.2020**

**ANIL KUMAR BATTA**

**...PETITIONER..**

**V.**

**STATE OF PUNJAB AND ORS.**

**...RESPONDENTS...**

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Inderjeet Singh Chawla, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

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**RAMENDRA JAIN, J. (ORAL)**

Through this petition under Section 482 Cr.P.C., complainant has assailed Rapat No.12, dated 16.08.2011 (P-5), Police Station Daresi, District Ludhiana, recommending initiation of proceedings under Section 182 IPC against him for lodging a false FIR.

Briefly, the petitioner lodged FIR No.14, dated 10.03.2011, under Sections 382, 342, 148 and 149 IPC, Police Station DAresi, District Ludhiana against respondent No.2-Madan Lal Atwal, on the allegations that in the evening of 10.03.2011, he was beaten up by respondent No.2 and his children. A sum of ₹2500/- was also snatched from him. To counter the same, respondent No.2 moved application (P-2) before the Commissioner of Police, Ludhiana to cancel FIR against him and initiate action under Section 182 IPC against the complainant, alleging that the allegations in the FIR against him and his

children were false and concocted.

During investigation, allegations of the petitioner in the FIR against respondent No.2 and his children were found false. Thus, Assistant Commissioner of Police recommended for cancellation of FIR and simultaneously taking action against the petitioner under Section 182 IPC for lodging false FIR vide DDR impugned herein.

Learned counsel for the petitioner referring to the judgment of Hon'ble Delhi High Court titled as **"Jinander Mann vs. State", 2007(5) AD (Delhi) 180**, contends that proceeding under Section 182 IPC can only be initiated by a public servant and not by a private individual. In the instant case, police authorities have illegally initiated proceeding under Section 182 IPC against the petitioner on the complaint of respondent No.2. Even otherwise, proceedings under Section 182 IPC, could not have been initiated against the petitioner unless cancellation report for cancelling the FIR was accepted by the court.

Refuting the above submissions, learned State counsel contends that on finding the allegations of the petitioner false against respondent No.2, proceedings under Section 182 IPC could be initiated against the petitioner without even waiting for the result of the court, inasmuch as, there is no such embargo in Section 182 IPC.

Having given thoughtful consideration to the rival submissions, this Court finds the instant petition merit dismissal for the reasons to follow:-

It is not that action under Section 182 IPC was initiated against the petitioner on private complaint of respondent No.2. Rather, the same was initiated against him on the recommendation of Assistant Commissioner of Police, who is a public servant, finding the allegations against respondent No.2 false. Thus, ingredient of Section 182 IPC, apparently is satisfied.

As far as, initiation of proceeding under Section 182 IPC before acceptance of cancellation report by the court is concerned, no such rider has been put upon the investigation agency under Section 182 IPC. Therefore, in the considered opinion of this Court, the investigating agency could initiate proceeding under Section 182 IPC against the petitioner, as soon as, the allegations against respondent No.2 on investigation were found false.

The authority relied upon by learned counsel for the petitioner is completely distinguishable being not identical to the present case. Therefore, no benefit of the same can be given to the petitioner.

Dismissed.

29.01.2020

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**whether speaking/reasoned:**

**whether reportable:**

**(RAMENDRA JAIN)**  
**JUDGE**

**Yes/No**

**Yes/No**