

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

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**Neutral Citation No.: 2023:PHHC:066061  
CRM-M-23518-2017 (O&M)  
Date of Decision: 08.05.2023**

**Jaswinder Singh**

**.....Petitioners**

**Vs.**

**State of Punjab and Another**

**.....Respondents**

**CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: - Mr. J.S. Dadwal, Advocate for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

Mr. Arnav Sood, Advocate for respondent No.2.

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**DEEPAK GUPTA, J.**

Prayer in this petition filed under Section 482 Cr.P.C. is to quash Kalendra registered vide DDR No.13 dated 12.05.2017 under Section 182, 120-B of the IPC registered at Police Station Bulowal, District Hoshiarpur and all subsequent proceedings arising therefrom.

2. The facts, as emerge from the reply of the respondent-State, are that petitioner-Jaswinder Singh allegedly in connivance with his father had submitted an application to the Punjab State Human Right Commission making allegations against respondent No.2 to have used anti caste words in presence of co-villagers. The application was marked to SP (Headquarter) Hoshiarpur, who on necessary enquiry found the complaint to be false and sent the enquiry report to Punjab State Human Right Commission in this regard. Father of petitioner then filed a criminal complaint against respondent No.2 and one Sukhdev Singh under Section 3 of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities

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Act), 1989 and Section 153, 500/34 of the IPC in the Court of Learned Chief Judicial Magistrate, Hoshiarpur. Same was dismissed on 27.02.2017. Respondent No.2 then moved an application dated 03.05.2017 under Section 182 of the IPC to SSP Hoshiarpur and on that basis, Kalendra under Section 182 IPC vide DDR No.13 dated 12.05.2017 registered at Police Station Bulowal, District Hoshiarpur, was presented by SHO P.S. Bulowal against petitioner-Jaswinder Singh and others in the Trial Court at Hoshiarpur.

3. Amongst other grounds pleaded to quash the Kalendra in question, it is contended by learned counsel that no offence under Section 182 of the IPC is made out inasmuch as no complaint whatsoever was made by the petitioner to the Human Right Commission or to any other authority. Whatever complaint was filed, that was by his father Chaman and therefore in case the complaint has been found to be false, petitioner is not liable to be prosecuted under Section 182 of the IPC.

4. Learned State counsel as well as learned counsel for complainant-respondent No.2 could not refute the aforesaid contention to the effect that complaint made to the Human Right Commission, which was found to be false, had been made by Chaman and not by the petitioner.

5. Having considered submissions of both the sides, I find merit in the petition.

6. Section 182 of the Indian Penal Code reads as under:

***“182. False information, with intent to cause public servant to use his lawful power to the injury of another person. —***

*Whoever gives to any public servant any information which he*

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*knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant—*

*(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or*

*(b) to use the lawful power of such public servant to the injury or annoyance of any person,*

*shall be punished with imprisonment of either description for a term which may extend to **six months**, or with fine which may extend to one thousand rupees, or with both.”*

7. It is thus clear that it is only the person who gives information to the public servant knowing or believing the same to be false, who can be made liable for his prosecution under Section 182 of the IPC.

8. In the present case, since no complaint was made by the petitioner Jaswinder Singh, therefore his prosecution under Section 182 of the Indian Penal Code is bad in law.

9. As such, this petition is hereby accepted. The Kalendra registered vide DDR No.13 dated 12.05.2017 under Section 182, 120-B of the IPC at Police Station Bulowal, District Hoshiarpur and all consequent proceedings arising therefrom, are hereby quashed.

**May 08, 2023**

Neetika Tuteja

**(DEEPAK GUPTA)  
JUDGE**

Whether Speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No