

S. No.204

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

CRM-M-59717 of 2022

Date of Decision:03.02.2023

Ranjodh Singh and others

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Hardeep Singh, Advocate for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 Cr.P.C, prayer is made by the petitioners to quash FIR No.133 dated 25.05.2021 registered at Police Station Sadar District Patiala, under Section 188 IPC (Annexure P.1), report under Section 173 Cr.P.C (Annexure P.2) and all the consequential proceedings arising therefrom.

Allegations are that on 25.02.2021, the petitioners were convening a meeting at the house of petitioner No.2 without wearing any face mask, despite lockdown imposed in view of Pandemic Corona, thus violating the directions of Deputy Commissioner, Patiala.

A short contention raised by learned counsel for the petitioners is that no Court can take cognizance of offence under Section 188 IPC except on the complaint of the concerned public servant or of some other public servant to whom he is administratively subordinate as per Section 195 Cr.P.C.

Respondent- State has filed reply and defended the action.

After considering the submissions of learned counsel for the

petitioners, I find merit in the contention. Section 195 Cr.P.C clearly bars cognizance of an offence under Section 188 IPC to be taken by any Court except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate.

In the present case, it is the order of the Deputy Commissioner, Patiala, which was being allegedly violated by the petitioners. However, FIR has been lodged on the complaint of ASI Nishan Singh, In-charge Police Chowki, Balbera. Neither the Deputy Commissioner, Patiala nor any other Officer to whom he is administratively subordinate, made any complaint.

In the aforesaid circumstances, cognizance under Section 195 Cr.P.C is clearly barred.

Consequently, petition is allowed. FIR No.133 dated 25.05.2021, registered at Police Station Sadar District Patiala, under Section 188 IPC (Annexure P.1), challan filed under Section 173 Cr.P.C (Annexure P.2) and all the consequential proceedings arising therefrom are quashed.

February 03, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No