

IN THE PUNJAB AND HARYANA HIGH COURT
CHANDIGARH

CRM-M-22761-2024
Date of Decision:06.09.2024

NEELAM VERMA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Sharma, Advocate
for the petitioner.

Mr. S.S.Pannu, Addl A.G., Haryana.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court has been invoked under Section 482 of the Code of Criminal Procedure to seek quashing of the Complaint (Kalandra under Section 182 of the Indian Penal Code) being Criminal Case No.COMI-47-2024 dated 15.03.2024 titled ‘State Vs. Dr.Neelam Verma’, Annexure P-1, filed by SHO Police Station City Narnaul, pending, in the Court of Judicial Magistrate Ist Class, Narnaul (for short – ‘JMIC’), for 10.05.2024, with all consequential proceedings arising therefrom.
2. Learned counsel for the petitioner contends that the last application was decided in the year 2019 and Kalandra has been filed in the year 2024 whereas according to the Section 468 of the Criminal Procedure Code (for short- ‘Cr.P.C.’) the Kalandra has to be filed not beyond five years

as such the same is barred by limitation. The last Kalandra had been filed on the application of husband of the petitioner in the year 2004 and the application was decided in the year 2019 and action has been taken against the petitioner in the year 2024, which is result of collusion between petitioner's husband and the local police because the application stood already decided in the year 2019. If the petitioner's husband was defamed by the petitioner, the application need not to have taken a long time of 15 years to be decided from 2004 to 2019.

3. Further, according to Section 195 of CrPC, it is Superintendent of Police who can initiate proceedings under Section 182 of the Indian Penal Code (for short – 'IPC'), however, there is apparently non-compliance of provisions of Section 195 Cr.P.C. because it is the SHO only, who has filed the Kalandra. Further, the petitioner moved a complaint on CM Window to get justice because the police did not take any action against the complainant on her application but even then the police authorities neither took any action against the complainant nor forwarded any report to the CM office, which further shows inaction on their part, on one hand, and connivance, on the other hand. As such, the Kalandra is liable to be quashed and accordingly, the order of the learned JMIC, Narnaul, is also liable to be quashed.

4. In compliance with the order of Notice of Motion dated 07.05.2024, reply of the Deputy Superintendent of Police, Narnaul, District Mahendragarh, by way of affidavit, has been filed on behalf of the respondent – State, which is attached with the case file at Flag 'A' and the same is taken on record.

5. It is submitted by the learned State counsel by referring to the reply at Flag 'A' that the petitioner is habitual of making complaints against the complainant (who is her husband) and other police officers/officials which on holding enquiries/investigation were found to be false and frivolous. There are numerous complaints referred in the reply filed on behalf of the State made by the petitioner but the contents of none of them was found to be correct and genuine. As such, all the complaints, being false and frivolous, were ordered to be placed on record by the superior officers. The petitioner's intention behind making such false complaints is to extract money from her husband by compelling him to enter into a compromise. As such, the present petition is liable to be dismissed as the same is a mischievous act of the petitioner to gain sympathy and get a favourable from this Hon'ble Court.

6. Heard and case file perused.

7. This Court has after having perused the reply at Flag 'A' filed on behalf of the State, is of the opinion that allegations against the petitioner is very specific in nature as far as her conduct is concerned. The same finds mention in the paras reproduced herein below:-

"3. That the brief facts of the case are that on 24.03.2024, a complaint No.356-PG dated 21.02.2024 written by Sudhir Kumar received in the Police Station City Narnaul from O/o Superintendent of Police, Narnaul, for registration of a case under section 182 of IPC against Neelam Verma, D/o Ram Avtar Verma who reportedly filed false complaints against the complainant i.e. Sudhir Kumar wherein complainant Sudhir Kumar has mentioned that his marriage was solemnized with Neelam Verma with Hindu Rites and Rituals on 23.11.2005 without any dowry in a simple manner and by the wedlock with

Neelam Verma, a boy Mantavya, was born on 19.03.2008, who is studying in Class 10th in C.L.Public School and complainant is taking care of him since his childhood. Neelam Verma used to give false, self-made, baseless complaints to police and other officials and those were found false during the investigation, due to which complainant faced physical, mental and financial problems and pain and complainant made the request to take legal action against Neelam Verma u/s 182 of IPC. Neelam Verma filed false, self-made, baseless complaints in 2017-2018-2019 against complainant Sudhir Kumar, his father and mother, against Dial 100, against 1091, against S.H.O. Women Police Station, Narnaul against Incharge Police Post, Mahavir Chowk, Narnaul, which were found to be false during the investigation. It is pertinent to mention here that Neelam Verma filed false complaints against complainant a Police Station, Manesar and Gurugram, which were also found false during the investigation. Neelam Verma filed a number of false complaints against complainant Sudhir Kumar during the last 7-8 years which are found to be false during the investigation and she has become habitual of filing false complaints. In the year 2019, S.H.O. Police Station, Women, Mahesh Kumar Sharma, HPS. DSP, Narnaul and Vinod Kumar, HPS, DSP, HQ, Narnaul, found Neelam Verma habitual of filing false and fake complaints who is lodging fake complaints against complainant at Dial 100, 1091, Mahavir Chowk, Narnaul, and Women Police Station, Narnaul, therefore, Neelam Verma is habitual of filing false and fake complaints to Police Post Mahavir Chowk, Narnaul, S.H.O. Police Station Women, Police Helpline No. 100 and Women Helpline No.1091 and against the police officials and said complaints were found false during the investigation. In the year 2023, Neelam Verma filed a complaint against the Complainant at Women Police Station, Narnaul, which was investigated by SHO, Sharda Devi and L/ASI Rakesh and found the complaint to be false. In the same

manner, other complaints were sent to Sh.Jitender Kumar, DSP, HQ, Narnaul in the year 20923 which were found false. Therefore, it was requested by the complainant that a case must be registered against Neelam Verma under section 182 of IPC and strict action must be taken against her.

4. That after receiving the above complaint, the Investigating Officer obtained all the complaints which were given by Neelam Verma and the investigation/inquiry reports and after perusing the relevant material, it was found that Neelam Verma i.e. the petitioner had submitted the aforesaid false complaints against her husband Sudhir Kumar and his family in the greed of money with the intention of mental harassment of Sudhir Kumar and his family and she makes compromise by taking the money and as such the petitioner is habitual of filing repeated false complaints.....”

8. As is evident from the above mentioned paras, there is a mention of as many as 11 complaints given by the petitioner to different police officers/officials and at CM Window between the year 2018 and 2023, out of which 2 complaints are of the year 2018; 6 complaints were made in the year 2019; and 3 complaints are of the year 2023. Meaning thereby, the petitioner has been in a habit of making mountain of a mole leading to filing false and frivolous complaints.

9. It will also be relevant to refer to the argument raised on behalf of the petitioner that the complaint was made by the complainant in the year 2004 but decision taken is in the year 2019, which is prima facie falsified from the fact that decision to initiate proceedings under Section 182 IPC has been taken by the police authorities keeping in view the conduct of the petitioner between the years 2018 to 2023. Thus, the argument referred above has no force and is quite misleading on the face of it.

10. Consequently, after considering the case presented by the learned counsel for the petitioner and the learned State Counsel and the reply filed on behalf of the State, this Court is of the considered opinion that as far as filing Kalandra by SHO is concerned, a perusal of the status report makes it ample clear that application no. 130-PG dated 19.01.2019 was directly addressed to SHO, P.S. City, Narnaul and as per law, SHO, P.S. City, Narnaul is competent to file the Kalandara u/s 182 of IPC against the petitioner therefore, in view of the own conduct of the petitioner, as such this Court finds no cogent reason to interfere with the Kalandra under Section 182 IPC, Annexure P-1, against the petitioner and the order of the learned JMIC, Narnaul.

11. Resultantly, the present petition fails being devoid of any merit and is hereby dismissed.

06.09.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No