



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M No.27892-2024  
Reserved on: 02-08-2024  
Pronounced on: 30.08.2024

Rahul Girdhar and Another .....Petitioners

Vs.

State of Haryana and another .....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pankaj Nanhera, Advocate with  
Mr. Rahul Gautam, Advocate and  
Mr. Gaurav Kumar, Advocate  
for the petitioners.

Mr. Rajat Gautam, Addl. A.G., Haryana.

Mr. Roshan Lal Saini, Advocate as legal aid counsel  
for respondent No.2-complainant.

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ANOOP CHITKARA J.

| FIR No. | Dated      | Police Station                           | Sections                                               |
|---------|------------|------------------------------------------|--------------------------------------------------------|
| 380     | 10.05.2024 | Camp Palwal, District Palwal,<br>Haryana | 420 IPC and Section 12(1)(B) of<br>Passports Act, 1967 |

1. Aggrieved by the registration of FIR captioned above, the accused has come up before this court under section 482 CrPC for its quashing, submitting that it is a misuse of State criminal machinery for the oblique motive of political gain, and even if all the allegations leveled in the FIR are accepted in the entirety, still they do not *prima facie* constitute any offense.

2. FIR in the present case reads as follows:

*“ To. Station House Officer, Police Station Camp Palwal. Jai Hind. Today, I. SI alongwith SI Rajesh No. 976, were present at Gupta Nursing Home for crime investigation when we received secret information that Rahul Girdhar, son of Satya Bhushan, and Meenakshi wife of Rahul Girdhar. residents of New Colony Palwal, used to live at House No. B 29 R, New Colony Palwal about 30 years ago. They have not been living at the*



*address provided in their passport application for the past 3-4 years and are now residing at House No. C 179, 1st Floor, Sector 11, Faridabad. Upon reaching the address given in the passport with my colleague, the address verification of the passport holders was conducted. During verification, it was found that the passport holders only stayed at the temporary address, New Colony Palwal, during passport verification. Their permanent address was found to be House No. C 179, 1st Floor, Sector 11, Faridabad. Rahul Girdhar, son of Satya Bhushan and Meenakshi, wife of Rahul Girdhar, residents of New Colony Palwal, have deliberately provided incorrect permanent addresses in their passport applications, committing an offense under Section 420 IPC and 12(1) B of the Passport Act, 1967. Therefore, this complaint is being sent through SI Rajesh No. 976 for registering a case. Please inform about the registered case. I, SI, am the complainant. Send another investigation officer for further investigation of the case. I, SI, am on the spot. Place: New Colony Palwal Sd/- Dharampal SI, Police Station Camp, Palwal. Dated 10.05.2024 at 11.00 PM."*

3. Facts of the case are being taken from the reply dated 13.07.2024, which reads as follows:

*"That brief facts of the case are that on 10.05.2024, the deponent alongwith C Rajesh976 was present at Gupta Nursing Home for patrolling duty and search of crime, at by the secret resources it was come into the Knowledge that Rahul Girdhar son of Satya Bhushan and Meenakshi wife of Rahul Girdhar resident of New Colony Palwal were used to reside at B 29 R New Colony, Palwal about 30 years ago. Now they are not residing at the address given on the passport for last 3-4 years. Now they are residing at the house no. C 179 1 FLOOR SEC 11 FARIDABAD. The address of the passport holders was verified by reaching the address given on the passport by the deponent, during the course of verification it was found that the passport holders were found living at the registered address given on the passport, New Colony Palwal only during the passport verification. Whose permanent address has been found to be at house no. C 179 1ST FLOOR SEC 11 FARIDABAD. A case has been registered against Rahul Girdhar, son of Satya Bhushan or Meenakshi, wife of Rahul Girdhar, resident of New Colony, Palwal, for committing crime under section 420 IPC and 12 (1)B PASSPORT ACT 1967 by deliberately writing or correcting his permanent address on the passport applications."*

4. Counsel for the petitioner submits as follows:

- (i) Documents attached (Annexure P-3 and P-4) prove that the petitioners are permanent residents of the address mentioned, and thus, no incorrect information has been furnished by the petitioners.
- (ii) The petitioners have already been issued passports on 06.04.2024 (Annexure P-2) after police verification.



(iii) The re-verification on 10.05.2024 (after more than one month) based on secret information itself proves that the FIR was registered just to harass the petitioners.

(iv) The case of the petitioners falls squarely within the parameters of law laid down by the Hon'ble Supreme Court in 'State of Haryana versus Bhajan Lal 1991(1) R.C.R. (Cr) 383.

5. The complainant argues that he has the locus to file the present complaint because social media has no boundaries, and tweets have been retrieved from authenticated user accounts.

6. The police registered the FIR against the petitioner under Sections 420 IPC and 12(1)(B) of the Passports Act, 1967.

7. Thus, even if all the allegations in the FIR are accepted as gospel truth, it still does not violate any of the penal offenses that have been invoked.

8. In the peculiar facts and circumstances, it is a fit case where the continuation of criminal proceedings amounts to an abuse of the process of law.

9. Given the above, the Court invokes its inherent jurisdiction under section 482 CrPC, 1973 / 528 of BNSS, 2023, to quash the FIR and all subsequent proceedings. Consequently, the FIR captioned above has been quashed and set aside.

10. **Petition allowed.** All pending applications stand closed in tune with this judgment.

**(ANOOP CHITKARA)**  
**JUDGE**

**30.08.2024**

*Sonia Puri*

Whether speaking/reasoned: Yes

Whether reportable: NO.