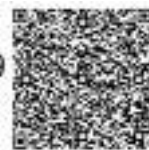


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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-1538-2025 (O&M)
Date of decision : 14.01.2025**

Karuna

...Petitioner(s)

Versus

Saurabh Jindal and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

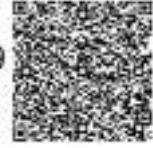
Present: Mr. Kunal Dawar, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, '*the B.N.S.S.*'), *inter alia*, for quashing of order dated 30.09.2024 (P-6), passed by learned Judicial Magistrate First Class, Faridabad, whereby, application filed by the petitioner-complainant under Section 175(3) of the B.N.S.S. for registration of FIR was dismissed; however, a complaint was registered.

2. Brief facts of the case are that on 16.07.2024, private respondents criminally trespassed into the premises of TATA Motors Agency, where petitioner is an employee; abused the petitioner and outraged her modesty. In pursuance thereof, petitioner filed a written complaint to Station House Officer, Police Station Sector 8, Faridabad, but no FIR was registered on the same. Thereafter, petitioner filed an

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application under Section 175(3) of the B.N.S.S. before learned JMIC, Faridabad, for registration of an FIR, which was dismissed vide impugned order dated 03.09.2024, but complaint was registered.

3. Contends that at the stage of deciding the application under Section 175(3) of the B.N.S.S., learned JMIC was supposed to examine only as to whether any cognizable offence is made out or not. Further contends that while rejecting the prayer for registration of an FIR, learned JMIC made certain observations on merits of the case, even before examination of the witnesses by the petitioner/complainant in her preliminary evidence and as such, the same may impact the pending complaint on merits.

4. Heard learned counsel for the petitioner and perused the paper-book.

5. Before proceeding further, it would be apposite to recapitulate the observations made by learned JMIC in para No.8 of the order impugned and which read as under:-

*“8. Moreover, when police have done thorough investigation in the present case and challan has already been filed with respect to FIR No.423 made by the respondents against the complainant, then this court does not finds any reason to direct registration of FIR for investigation u/s 175(3) BNS. Moreover, the version of the police in the Action Taken Report shows that the videos which were given by the complainant through pen drive are incomplete because as per the version of police there are clear CCTV footages which shows that the complainant has inflicted injuries upon the respondents on the basis of which challan has already been filed. Therefore, keeping in view the same, the application is hereby **dismissed**. However, a complaint is registered. As by virtue of Section 223*

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Proviso, BNSS, this court is bound to give opportunity of being heard to all alleged accused. Hence, notice to all accused be issued for 22.10.2024.”

Perusal of the aforesaid extract reveals that learned JMIC declined the prayer of petitioner for registration of an FIR, but directed to register the complaint and in terms of the Proviso to Section 223 of the B.N.S.S., the notice was issued to accused persons for 22.10.2024.

6. *Ex facie*, the order impugned is not detrimental to the petitioner; however, his grievance is that certain observations made therein may ultimately affect the complaint on merits pending before learned JMIC.

7. In view of the above, present petition is disposed off with the clarification that observations made by learned JMIC while passing the order impugned, be not construed as an expression of opinion on the merits of pending complaint, in any manner.

8. Ordered accordingly.

9. Since this order has been passed without issuing notice to the opposite side; therefore, respondent(s), if feel(s) aggrieved, may move an application for recalling of the same.

Pending application(s), if any, shall stand disposed off.

14.01.2025
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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