



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

**254**

**CRM-M-7201-2024 (O&M)**

**Date of decision: 17.09.2025**

Surender Kumar

...Petitioner(s)

VERSUS

State of Haryana and others

...Respondent(s)

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Mr. Gaurav Mohunta, Advocate;  
Mr. Satyendra Kumar, Advocate;  
Ms. Diksha Mahajan, Advocate for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

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**VINOD S. BHARDWAJ, J. (Oral)**

1. The present petition has been filed for seeking directions to respondent No.2 to initiate proceedings against respondents No.3 to 7, pursuant to the complaint dated 26.09.2023, made by the petitioner on the ground that respondents No.3 to 7 had got registered a false and frivolous FIR bearing No.504 dated 06.09.2017 under Section 13-D of the Representation of the People Act, 1950, Section 125-A of the Representation of the People Act, 1951, and Sections 199 and 420 of the Indian Penal Code, 1860 at Police Station Mahendergarh, against him and his wife, which stood quashed by this Court vide order dated 01.08.2023 passed in CRM-M-6159-2019.

2. Status report, filed by way of an affidavit dated 12/17.04.2014 of Mr. Mohammad Jamal, HPS, Deputy Superintendent of Police,



Mahendergarh is already available on file and the same is taken on record. It has been specifically averred in the said status report that upon receipt of the complaint dated 26.09.2023, which was filed in relation to the registration of FIR No.504 dated 06.09.2017 under Section 13-D of the Representation of the People Act, 1950, Section 125-A of the Representation of the People Act, 1951, and Sections 199 and 420 of the Indian Penal Code, 1860 at Police Station Mahendergarh against the petitioner and his wife, the matter was duly examined by the Police. It is undisputed that the said FIR stood quashed by this Court vide order dated 01.08.2023 passed in CRM-M-6159-2019 titled *Reena Devi and another v. State of Haryana*. An inquiry was conducted into the complaint dated 26.09.2023, and it was opined therein that no further action was required. It was further submitted that the petitioner has no enforceable right to seek a direction for registration of an FIR under Section 182 IPC, the initiation of such proceedings being within the exclusive prerogative of the investigating agency. It was observed that no case was made out for invocation of Section 182 IPC as there was no intention on the part of the concerned Government official/authority to cause a public servant to misuse his lawful authority so as to inflict injury upon another. The said reply came to be filed on 12/17.04.2024.

3. Counsel of the petitioner re-iterates the factual aspect of registration of the case and its quashing. He submits that wife of the petitioner was elected as President of the M.C. Mahendergarh in the year 2016. With a view to curb the reforms initiated by her, frivolous FIR's were registered. The same were eventually quashed, hence, proceedings under



Section 182 I.P.C. ought to have been initiated. No other arguments have been raised and no judgment has been cited.

4. Counsel for the respondent re-iterates the averments in the affidavit. The same are not being repeated.

5. I have heard the learned counsel for the parties and have gone through the documents appended alongwith the present petition.

6. Before proceeding further, it would be relevant to refer to Section 182 I.P.C. The same reads thus:-

***“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 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. Section 182 of the Indian Penal Code, 1860 (corresponding to Section 217 of the *Bharatiya Nyaya Sanhita, 2023*) is, without dispute, a



non-cognizable offence. As per the provisions of Section 182 IPC, the same is attracted where a person furnishes information to a public servant knowing or believing such information to be false and intending thereby to cause the public servant to act in a manner which ought not to have been done, or to employ his lawful authority to the injury or annoyance of another. The offence is non-cognizable and bailable. The same being an offence directed against the lawful authority of a public servant, the initiation of proceedings under Section 182 IPC vests within the discretion of the concerned authority. Hence, a direction cannot be issued to the concerned official to mandatorily initiate proceedings under Section 182 IPC in every case eventually found false or the same being quashed. Once the application submitted by the petitioner has already been considered by the respondents and the competent authority recorded its satisfaction that the information supplied by the complainant was not motivated by an intent to cause injury or annoyance to the petitioner. There is no occasion for this Court to substitute its satisfaction for that of the investigating officer and to direct initiation of proceedings under Section 182 I.P.C. The said discretion rests with the public servant and the same have been exercised, such a mandamus of the nature, as asked for, would not be generally issued.

8. Further, counsel for the petitioner has also placed reliance on Section 174 of BNSS, 2023 to contend that in the event of a non-cognizable offence, the police officer is required to follow the procedure as stipulated thereunder.

9. The said provision has been perused. The mandate of Section



174 of BNSS, 2023 provides that upon receipt of information relating to a non-cognizable offence, the police officer may enter the substance of such information in a book maintained for the purpose and forward the same to the Magistrate. Sub-section (2) thereof, however, specifically provides that no investigation shall be undertaken in respect of such offence unless an order to that effect is passed by the Magistrate. Hence, the reliance placed by the petitioner on the above provision to be an enabling provision under Section 174 (2) of BNSS, 2023, is rather a prohibition imposed upon the police officer not to investigate a matter pertaining to a non-cognizable offence but for a permission having been granted by a Magistrate. It also does not cast any mandate upon the police officer to invariably seek permission of the Magistrate for registration of a criminal case. The argument advanced on behalf of the petitioner, therefore, is founded upon a misreading of the statutory provision.

10. Proceeding under Section 182 I.P.C. are not to be initiated in every case where a criminal offence is not made out. Its pre-requisite is that the informant must know or believe it to be false and does so to cause public servant to use his power. The respondent specifically filed the report to the effect that there was no such intent on the part of the informant, yet, no counter was filed.

11. Section 195 Cr.P.C. specifically imposes a specific restriction upon taking cognizance of an offence under Section 182 I.P.C. The cognizance was not to be taken except on the complaint by the officer to whom the complaint was made. Thus, initiation of the proceedings under



Section 182 I.P.C. had been left to the discretion of the public servant for punishment. The civil remedy albeit could be invoked by the person. The same being the intent, this Court would not mandate the authority to initiate proceedings under Section 182 I.P.C. once his own findings are to the contrary.

12. No law has been cited by the petitioner to support his argument or to the effect that High Court should direct the authority to initiate proceedings under Section 182 I.P.C. on the case being quashed on merits.

13. The present petition is accordingly **dismissed** at this stage.

(VINOD S. BHARDWAJ)  
JUDGE

17.09.2025  
Mangal Singh

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