



CRM-M-29184-2022

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

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CRM-M-29184-2022

Date of decision: 20.05.2025

Sanket Jain

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present : Mr. K. S Dadwal, Advocate, for the appellant.

Mr. H. S. Wadhwa, DAG, Punjab.

H.S. GREWAL, J. (Oral)

1. This present petition has been filed under Section 482 Cr.P.C. with a prayer to direct the respondents No.2 and 3 to initiate the action against the respondents No.4 to 7 under Section 182 IPC as well as entertain the grievances of the petitioner contained in the application dated 25.10.2021 (Annexure P-4) and 21.04.2022 (Annexure P-4).

2. The complainant had filed multiple complaints against the petitioner which have been filed by the police by finding them to be false and frivolous. Inquiry report is appended as Annexure P-2, thereafter, three more complaints were filed on the same allegations which were found to be false on being enquired by a senior police official of the State of Punjab. However, application of the petitioner under Section 182 Cr.P.C. has been turn down on the advice of DA, Legal, As per reply filed by the State through Harshpreet Singh, PPS, Assistant Commissioner of Police, West, Jalandhar dated 10.07.2024 stating therein that since observing that the complaint filed by the petitioner bearing No.425-Peshi dated 13.11.2021 was duly inquired but no



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offence under Section 182 Cr.P.C. is made out and as such, no such action was taken on the said complaint and it is observed therein that genuineness of complaint would only be considered after registration of FIR which is found to be false. This view is not legally sustainable. Petitioner has placed reliance upon the judgment of this Court in the case of ***Varinder Mohan Vs. State of Punjab and another*** passed in **CRM-M-28851-2006** passed on dated **07.01.2009**. The relevant para is reproduced hereunder:

*“3. Two-fold submissions have been raised by the petitioner in the present petition. Firstly, in the present case, no FIR was lodged, therefore, in view of the ratio of law laid down in **Malkiat Singh v State of Haryana, 1999(2) RCR (Criminal) 10**, no offence under Section 182 Indian Penal Code is made out. First submission raised merit attention and is required to be dealt with by this Court. It has been stated that until and unless, FIR is recorded, it cannot be said that a false report was submitted to police official. By mere lodging of DDR, police had not proceeded to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting such information are given or lawful power of such public servant has been used to the injury or annoyance of any such person.*

*“Section 182 Indian Penal Code read as under:-
"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."

A perusal and dissection of the section reveal two essential ingredients that by such information furnished, public servant ought to have done or omitted to have done something relying upon such Information or had used his lawful power to the injury or annoyance of any such person. In the present case, none of these two essential ingredients were followed. MHC Sukhwinder Pal had given a note that there is no negligence on the part of any person. The accident occurred suddenly and naturally and no offence against any body is made out. Therefore, the information given was neither acted upon nor something which ought to have been done by the police official was not done. part of any person. The act information given was neither acted upon nor something which ought to have been done by the police official was not done. Therefore, there was no omission on the part of police official. Non registration of the case has not caused injury or annoyance to any person but at the same time giving of a false information to the police cannot be ignored. Therefore, Code of Criminal Procedure has taken care of this eventuality also. There are other penal provisions which take care of act of commission or omission on the part of the accused. Lodging of false information for obtaining Insurance claim will constitute which offence require application of mind. The offence may not fall under Section 182 Indian Penal Code."

3. In the light of the above, the official respondent is directed to consider and prepare the Kalandra under Section 182 Cr.P.C. within 3 months from the date of passing of this order.



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4. The present appeal stands disposed of accordingly.

(H.S. GREWAL)
JUDGE

20.05.2025
anil

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