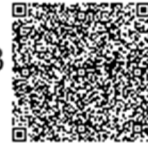


2025:PHHC:116153



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

310

CRM-M-31510-2024 (O&M)

Date of decision: 01.09.2025

Sushil Raju Thapar**...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

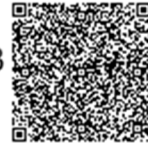
Mr. Vipul Babuta, Advocate
for respondent No. 4.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 482 of Cr.P.C. seeking issuance of direction to respondent No. 3 to take appropriate legal action on his representation dated 21.06.2024 (Annexure P-8) against respondent No. 4 as the inquiry report dated 25.11.2021 clearly showed that the complaints moved by him for nominating the petitioner and arresting him in case bearing FIR No. 331 dated 14.09.2020, registered under sections 336, 506, 34 of IPC and section 27 of Arms Act at Police Station Division No.8, Ludhiana, were found to be false and baseless.

2. Brief facts of the case emanating from the petition are that initially respondent No. 4-Yogesh Maini had filed a civil suit against the petitioner on false grounds as the latter was raising some construction. Since no interim relief was granted to him. The respondent No. 4 withdrew the said

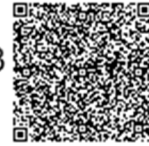
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civil suit and filed a writ petition before this Court without disclosing the factum of filing and withdrawal of said civil suit. The writ petition was dismissed by this Court with exemplary cost of Rs. 1 Lakh. Respondent No. 4 again filed a civil suit but the same was dismissed. Thereafter, he filed several complaints for nominating the petitioner as accused in the aforesaid FIR. Pursuant to the complaints, an SIT was constituted by the Commissioner of police. During inquiry/investigation, it was found that the aforementioned FIR was registered by Yogesh Maini against Mohit Saini and Honey Sahota @ Chela. It was further stated in the inquiry report that addition of offence and nomination of petitioner was not required as he had no connection with the said case neither during investigation his involvement came to surface and only due to enmity respondent No.4 had moved various applications against the petitioner to nominate him in the FIR. Subsequent to the Inquiry report dated 25.11.2021, the petitioner moved a representation dated 21.06.2024 before the higher police authorities for initiation of Calandra proceedings against respondent No.4 for filing false complaints against him with *mala fide* intention but no action was taken. Hence, he has filed the present petition.

3. A perusal of the petition nowhere reveals that as to under what provisions the petitioner wants action against respondent No. 4. However, a perusal of the representation dated 21.06.2024 (Annexure P-8) reveals that he had made prayer for initiation of proceedings against respondent No. 4 under Section 66 of the Punjab Police Act, 2007. Section 66 of the Punjab Police Act, 2007 empowers the police to take action against a person who knowingly gives false information or false complaint to the police, thereby causing

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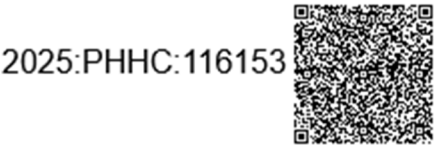


unnecessary investigation and harassment. The moot question for consideration before this Court is as to whether any direction can be issued to the respondents to initiate Calandra proceedings under the aforesaid provisions against respondent No. 4? For the purpose, let us first refer to the provisions of Section 195, which read as under:

“Section 195(1) Cr.P.C.:

"(1) No Court shall take cognizance-(a)-(i) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code (45 of 1860), or (ii) of any abetment of or attempt to commit, such offence, or (iii) of any criminal conspiracy to commit such offence, except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate "

4. A perusal of the above provision shows that where an offence under Section 182 or in the present case under Section 66 of the Punjab Police Act, 2007 has been committed, the complaint would have to be filed by the public servant concerned or by some other public servant to whom the public servant in question is administratively subordinate. Section 195(1)(a)(i) of the Cr.P.C. bars the Court from taking cognizance of any offence punishable under Sections 172 to 188 respectively of the I.P.C., unless there is a written complaint by the public servant concerned or his administrative superior, for voluntarily obstructing the public servant from discharge of his public functions. Without a complaint from the said persons, the court would lack competence to take cognizance in certain types of offences enumerated therein. However, in the present case, there is nothing on record to show that



any such complaint has been filed by any public officer. More so, the prayer made by the petitioner for issuance of directions for taking action against respondent No. 4-Yogesh Maini, who was the complainant in aforesaid FIR No.331, can also not be accepted in view of the fact that the petitioner cannot seek any such direction as it is the prerogative of the police authorities to initiate action, if any, or not against respondent No. 4, if the allegations are found to be false. In view of the discussions as made above, no case is made out to issue any direction to the official respondents. Accordingly, the present petition is dismissed.

01.09.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>