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

CRM-M-41588-2024

Date of Decision:- 22.09.2025

Ankit Chahal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Saurav Bhatia, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner Ankit Chahal has filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for issuance of directions to respondents No. 1 and 2 to transfer the investigation to some other District or to some other independent Investigating Agency to conduct unbiased and impartial inquiry on the false and malicious allegations detailed in representation/complaint dated 19.08.2024 (Annexure P-17) and quashing of summoning notice dated 20.08.2024 (Annexure P-18), with further direction to respondents No. 1 to 3 to take action in accordance with law on the representations moved by petitioner and his family members i.e. representations; dated 17.04.2024 (Annexure P-1), dated 19.06.2024 (Annexure P-5), dated 26.05.2024 (Annexure P-6), dated 25.06.2024



(Annexure P-7), dated 01.07.2024 (Annexure P-10) and dated 02.08.2024 (Annexure P-15) and further for taking action against erring police officials or any other direction which the Court may deem fit in the given facts and circumstances of case.

2. Learned counsel for petitioner argued that matrimonial dispute of petitioner started with his wife when on 17.04.2024, petitioner's parents alongwith his children had gone to Pathri Temple. Respondent No. 5 was supposed to accompany them, but on the pretext of her health condition, she stayed back in the house. When his parents alongwith his children reached home, they found a motorcycle parked outside their house and house was bolted from inside. Nobody opened the door and finally his father peeped inside the window and was shocked to see respondent No. 5 and respondent No. 9 in objectionable position. They were caught red handed. Police was informed and both of them were handed over to police. Petitioner was also informed about the occurrence.

Thereafter, his father filed complaint with police dated 17.04.2024 (Annexure P-1). As a result of this, other litigation also started. He filed a divorce case on 14.05.2024 (Annexure P-2), whereas, respondent No. 5 filed a petition under Section 125 Cr.P.C. on 06.06.2024 (Annexure P-3) and a complaint under Domestic Violence Act on 15.07.2024 (Annexure P-4). Petitioner as well as his father filed number of complaints/representations to police (Annexures P-5 to P-7), but no action was taken. On the complaint filed by respondent No. 5 dated 27.06.2024 (Annexure P-8), ASI Raj Bala issued notice dated 02.07.2024 (Annexure P-9). Father of petitioner as well as petitioner filed repeated complaints,

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reminders (Annexures P-10 to P-16), but no action was taken. Respondent No. 5 filed a false complaint on 19.08.2024 (Annexure P-17) and on that basis, Investigating Agency issued notices (Annexures P-18 and P-19) in a casual manner without disclosing the contents of complaint and calling upon the petitioner to join investigation. Petitioner again filed another complaint dated 21.08.2024 (Annexure P-20). No proper action was taken on the representations filed by petitioner and his father and in return on the basis of false and frivolous complaint filed by respondent No. 5, notices were served upon petitioner and his family members. Learned counsel representing petitioner has referred to the judgment of **Supreme Court of India (Large Bench)** in **Writ Petition (Criminal) No. 68 of 2008, decided on 12.11.2013**, case titled “**Lalita Kumari Versus Govt. of U.P. and others**” cited in **2014(1) SCC(Cri) 524 : Law Finder Doc Id #492425**, where in para No. 111, it was concluded as under :-

“111. In view of the aforesaid discussion, we hold:

i) Registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

ii) If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

iii) If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.



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iv) The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

v) The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.

vi) As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under :

- a) Matrimonial disputes/ family disputes
- b) Commercial offences
- c) Medical negligence cases
- d) Corruption cases
- e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months delay in reporting the matter without satisfactorily explaining the reasons for delay. The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.

vii) While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.

viii) Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above.”

It is pointed out that Investigating Agency is acting in a biased manner. Neither any action was taken on their complaints/representations nor same were considered. Therefore, there is valid apprehension in the mind of petitioner that he will not get justice. Learned counsel representing petitioner further referred to the judgment of **Supreme Court of India** in



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Criminal Appeal Nos. 1678-1679 of 2009 (Arising out of S.L.P.(Crl.) Nos. 1878-1879 of 2009), decided on 02.09.2009, case titled “Babubhai Jamnadas Patel Versus State of Gujarat & Ors.” cited in *2010(2) CriLJ 2249 : Law Finder Doc Id #202697*, where in para No. 31 of the judgment, it was observed as under :-

“31. The area of dispute ultimately narrows down to the question as to whether the Courts can monitor investigations in respect of offences alleged to have been committed when the investigation had already been commenced by the investigating agency. There is little doubt that normally investigation of offences is the function of the investigating agencies and the Courts do not ordinarily interfere with the same. But, at the same time the High Court is vested with such powers, though the same are invoked only in cases where extraordinary facts are involved, necessitating such monitoring by the Courts.”

It is pointed out that this Court can pass necessary directions for transfer of investigation to some other District or some other Investigating Agency for fair and impartial inquiry. It is further submitted that representations filed by petitioner and his father may also be considered.

3. Learned State counsel has put appearance on behalf of respondents No. 1 to 4 and filed detailed status report. It is pointed out that proper investigation was conducted by Investigating Agency, as a result FIR No. 415 dated 25.10.2024 has been registered under Section 323, 406, 498-A of IPC at Police Station Sadar Gohana, District Sonipat. Investigating Agency had conducted thorough and fair investigation.

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Complainant had filed complaint for taking action against Ankit Chahal, Satbir Singh Chahal, Sunita Devi and Mohit Chahal. Stand taken by complainant as well as present petitioner was duly considered. Investigating Agency verified the facts and number of persons were joined in preliminary inquiry. Finally, it was concluded that Satbir Singh Chahal, Sunita Devi and Mohit Chahal named by complainant were found to be innocent and on conclusion of preliminary inquiry, Ankit Chahal – present petitioner was found involved under Section 323, 406, 498-A of IPC. Entire evidence pertaining to this case is yet to be collected. Even petitioner is yet to join investigation. Apprehension in the mind of present petitioner is without any basis. Therefore, petitioner is not entitled to invoke extraordinary jurisdiction of this Court by filing present petition and same deserves dismissal.

4. I have considered the aforesaid factual position. Facts detailed above clearly shows that there is matrimonial dispute between petitioner and his wife i.e. respondent No. 5. In petition, petitioner had leveled serious allegations against his wife. He has referred to specific incident of 17.04.2024 regarding which father of petitioner had given representation to police (Annexure P-1). Facts detailed in petition indicates that on 17.04.2024, present petitioner was not accompanying his parents when they allegedly caught respondent No. 5 with respondent No. 9 as detailed therein. At present petitioner has filed divorce case against his wife, whereas, respondent No. 5 has filed petition under Section 125 Cr.P.C. and complaint under Domestic Violence Act. The record shows that petitioner as well as his father filed number of complaints/representations which are

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annexed with petition (Annexures P-5 to P-7, P-10 to P-16 and P-20), on the other hand respondent No. 5 also filed complaint dated 27.06.2024 (Annexure P-8) and another complaint dated 19.08.2024 (Annexure P-17). On the basis of complaint filed by respondent No. 5, admittedly notices were sent to petitioner and his family by Investigating Agency, which are Annexures P-9, P-18 and P-19. Petitioner or his family members instead of joining investigation kept on filing one complaint/representation after the other. As provided under Section 35(4)(5) of BNSS, 2023, on receiving notice from Investigating Agency, they are duty bound to join proceedings. On appearance before the Investigating Agency, petitioner or his family members would have taken a chance to present their own version. In case petitioner or his family members were having apprehension of arrest, they could have sought legal remedy available to them. By no means it can be said that petitioner could have avoided joining the investigation before the Investigating Agency. As per status report, FIR No. 415 dated 25.10.2024 has been registered and after investigation, other family members were found innocent and present petitioner was found involved under the provisions of Section 323, 406, 498-A of IPC. At present, petitioner is on bail. Even challan has been presented.

In the light of aforesaid factual position, stand taken by petitioner that investigation is being conducted in a biased or unfair manner does not hold good. In fact, it is the petitioner who is avoiding Investigating Agency by filing repeated complaints/representations. After presentation of challan, I do not find any valid reason to transfer the investigation to other District or to other Investigating Agency.

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Consequently, petition filed by petitioner is, accordingly, dismissed.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

22.09.2025

(AMARJOT BHATTI)
JUDGE

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