

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

Sr. No.: 127

Criminal Miscellaneous No.M-56411 of 2025**Date of Decision: October 14, 2025**Lt. Col. Anil Kabotra (Retd.)

..... PETITIONER(S)

*VERSUS*State of Punjab & others

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**PRESENT:** - Mr. Vipul Sachdeva, Advocate, for the petitioner.

Mr. Subhash Godara, Additional Advocate General,
Punjab, assisted by Mr. Vishal Aggarwal, Advocate, for
the complainant.

SUBHAS MEHLA, J

The present petition has been filed seeking directions to official respondents to act upon and comply with the orders/directions dated 15.10.2010 (Annexure P-1); 29.04.2011 (Annexure P-2) and 05.09.2014 (Annexure P-3) as well as D.O. letter and orders dated 07.03.2017 (Annexure P-4) passed by DGP, Punjab and 10.05.2017 (Annexure P-5), which remain uncompiled with till date.

2. Learned counsel for the petitioner has contended that he moved various applications/complaints for redressal of his grievance i.e. matrimonial discord with his wife and consequential FIR No.104 dated 27.05.2023, but no action has been taken.

3. On the other hand, learned counsel for the complainant opposed the contentions by submitting that the petitioner is a chronic litigant and moved several applications in the light of many orders, and the authorities after thorough inquiry have dismissed the applications. He has also moved this Court seeking such directions by filing CWP No.12786 of 2013 which



was also disposed of vide order dated 25.01.2019 observing that petitioner can avail proper remedy by invoking proceedings under Section 156 Cr.P.C.

4. Heard.

5. In view of the aforesaid facts and circumstances, this Court finds that the petitioner has misused the process of law as he is in habit of making various applications/complaints, which have been thoroughly inquired into and no substance has been found by the authorities. He also moved this Court by filing CWP No.12786 of 2013 which was disposed of vide order dated 25.01.2019 giving liberty to seek appropriate remedy. Petitioner filed complaint bearing No.COMI/190/2025 and same has been dismissed by the Chief Judicial Magistrate, Pathankot vide order dated 01.08.2018 by observing, *“Consequently, having agitated material part of allegations, which culminated in those allegations not finding favour with the Ld. Courts, right up to the Hon’ble Supreme Court of India, does raise a very pertinent and substantial question as to whether the complainant could in the first place have initiated fresh proceedings vide instant complaint, seeking redress of grievances which have been considered and already negated by the Ld. Courts. In my considered opinion, on this very ground, the complaint under consideration is not maintainable and is liable to be dismissed.”*

6. Aggrieved by the said order, petitioner moved a revision petition before the Additional Sessions Judge, Pathankot, which is pending for 05.12.2025.

7. The plenary inherent jurisdiction of the Court under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile 482 of CrPC) may be exercised to give effect to an order under the Code; to prevent abuse

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[3]

of the process of the Court; and to otherwise secure the ends of justice. The inherent jurisdiction, though wide and expansive, has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself, that is, to make orders as may be necessary to give effect to any order under the Code, to prevent the abuse of the process of any Court or to otherwise secure the ends of justice.

8. For interference under Section 528 of BNSS, three conditions are to be fulfilled. The injustice which comes to light should be of a grave, and not of a trivial character; it should be palpable and clear and not doubtful and there should exist no other provision of law by which the party aggrieved could have sought relief. In exercising jurisdiction under Section 528 of BNSS, it is not permissible for the Court to act as if it were a trial Court. The Court is only to be *prima facie* satisfied about existence of sufficient ground for proceeding against the accused.

9. In view of the above discussion, this Court finds no merit in the instant petition and the same is dismissed.

(SUBHAS MEHLA)
JUDGE

October 14, 2025
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No