



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

CRM-M No.6738 of 2021 (O&M)

Reserved on: 13.02.2026

Pronounced on:28.04.2026

Amarjit Arora and another

.....Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Ashish Soi, Advocate for the petitioners.

Mr. Jasdev Singh Thind, DAG, Punjab.

Mr. Aman Goyal, Advocate for respondent No.2

SURYA PARTAP SINGH, J. (Oral):

The extraordinary jurisdiction vested in this Court by virtue of Section 482 of Cr.P.C. has been invoked by the petitioners for quashing of FIR No.139 dated 08.06.2018, Police Station Meharban, District Ludhiana. The above mentioned FIR has been lodged for the commission of offence punishable under Sections 182, 384, 385, 511 and 120-B of Indian Penal Code, hereinafter being referred to as 'IPC' only, on the basis of a complaint submitted by 'Gurcaran Singh', the complainant-respondent No.2.

2. It has been alleged by the complainant-respondent No.2 that he is Chairman of G.D.S. Convent School and that his son 'Mohan Singh' had purchased a piece of land vide sale deed No.25.08.2015, duly registered by the Sub-Registrar Ludhiana, on payment of entire sale consideration. As per



complainant-respondent No.2 on 25.08.2015 when his son was raising construction of school's office over the above mentioned piece of land, 'Amarjeet Arora' (petitioner No.1 herein) called the police by dialing police helpline No.100 and reached the spot along with son 'Sanjeev Arora' (petitioner No.2 herein), his wife and 'Brij Mohan'. According to complainant-respondent No.2 the above named petitioners and their associates claimed that the office was being constructed over the plot owned by them. The complainant-respondent No.2 further alleged that the matter was brought to the notice of higher authorities who called both the parties along with their documents, to the police station, but the petitioners did not turn-up. The complainant-respondent No.2 further alleged that instead of participating in the above mentioned proceedings on 29.08.2015, the petitioners got published a news item in the Newspaper, namely 'Jagbani', wherein the complainant-respondent No.2 was projected as land mafia and a prayer was made to the Commissioner of Police to look into the matter.

3. According to complainant-respondent No.2 in view of above mentioned news item the matter was got investigated by the Commissioner of Police and the report was submitted on 31.08.2015 to the Commissioner of Police, wherein it was found that the allegations were false. The complainant-respondent No.2 further alleged that thereafter by using the above mentioned newspaper-clip a civil suit was filed for injunction by the petitioners, and thereafter, the second representation was submitted before the Commissioner of Police on 17.11.2015 and third representation on 26.11.2015. As per complainant-respondent No.2 with regard to above mentioned two



representations, also, the inquiries were conducted and both the above mentioned representations were found to be false.

4. In addition to above, the complainant-respondent No.2 further alleged that with an intention to extort money the petitioners had sought information under Right to Information Act and that they also demanded Rs.50,00,000/- from the complainant-respondent No.2 and threatened that if the money was not paid they would continue to harass the complainant-respondent No.2 in the same manner and would ensure that he (complainant-respondent No.2) would have to close his school.

5. It is the case of the prosecution that on the basis of above mentioned complaint formal FIR of this case was lodged and the investigation taken up.

6. Heard.

7. It has been contended by learned counsel for the petitioners that filing of FIR by the police for the commission of offence punishable under Sections 182, 384, 385, 511 and 120-B of IPC is nothing but a sheer abuse of process of law, and therefore, there is need for exercise of extraordinary jurisdiction vested in this Court. According to learned counsel for the petitioners *firstly*, on the face of it the allegations contained in the FIR are false and *secondly*, on the basis of contents of above mentioned FIR no case for the commission of offence under Section 182, 384, 385, 511 and 120-B of IPC is made out.

8. With regard to above, learned counsel for the petitioners has contended that the FIR against the petitioners has been filed simply on the



ground that petitioners had moved complaints/representations before the Commissioner of Police, and that the abovementioned representations were not found to be true by the police authority. As per learned counsel for the petitioners the another fact pleaded by the complainant-respondent No.2 is that in the civil suit filed by the petitioner No.2, the application seeking for *ad interim* injunction has been dismissed. According to learned counsel for the petitioners the above mentioned proceedings i.e. filing of complaint before the Commissioner of Police and the filing of civil suit before the Court, were in the exercise of right to access to justice guaranteed to the petitioners and if for any reasons, whatsoever, the petitioners were not successful in convincing the authorities, dealing with the complaint filed by the petitioners or the civil suit filed in the Court, it cannot amount to an offence under Section 182 IPC. As per learned counsel for the petitioners simply because information under Right to Information Act was sought it does not amount to extortion of money.

9. In addition to above, it has also been contended by learned counsel for the petitioners that the allegations with regard to demand of Rs.50,00,000/-, as mentioned in the FIR, are absolutely false, and that otherwise also the contents of the FIR shows that they are vague and inconclusive as the manner in which the demand was raised, the date on which the demand was raised and the place where the demand was raised has not been elaborated in the complaint/FIR.

10. The learned counsel for the petitioners has also raised an objection to the effect that in the present case the foundation of the FIR is the filing of complaint before the police authorities and that the above mentioned right is a



legal right available to the petitioners for redressal of his grievance, and that otherwise also the above mentioned complaint was addressed to Commissioner of Police, but the FIR has been lodged at the instance of respondent No.2, and thus, in view of Section 195 of Cr.P.C. there is a bar against the filing of FIR at the instance of the complainant-respondent No.2.

11. The learned State counsel being assisted by learned counsel for the complainant-respondent No.2, hereinafter being referred to as 'respondent No.2' only, has controverted the above mentioned arguments.

12. According to learned State counsel in the present case there are two components comprised in the FIR which pertains to two different types of offence, the first offence is under Section 182 IPC and the another one is the offence under Sections 384 & 385 IPC, read with Section 511 IPC. According to learned State counsel once the offence under Section 384 & 385 IPC read with Section 511 IPC is a cognizable offence the filing of FIR on the complaint of the respondent No.2, who is an aggrieved party, is well within the jurisdiction of the police, and that registration of FIR in such circumstance is perfectly in accordance with law. According to learned State counsel the present petition has been filed without any reasonable grounds and deserves dismissal.

13. The learned counsel for the respondent No.2, while referring to the reply filed by the respondent No.2, has contended that by virtue of present petition the quashing of FIR has been sought, by exercising extraordinary jurisdiction vested by virtue of Section 482 of Cr.P.C. According to learned counsel for the respondent No.2 for the exercise of extraordinary jurisdiction



very specific and detailed guidelines have been prescribed by the Hon'ble Supreme Court of India in the case of 'Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others' 2021 SCC Online SC 315, State of Haryana Vs. Bhajan Lal', 1992 Suppl. (1) SCC 335, 'R.P.Kapoor Vs. State of Punjab' AIR 1960 Supreme Court 866 and 'Gian Singh Vs. State of Punjab' (2012) 10 Supreme Court Cases 303.

14. According to learned counsel for the respondent No.2 in the present case with the help of documentary evidence it stands proved that the petitioners, with the intention to extort money, had filed three false complaints/representations before the Commissioner of Police and also a civil suit, and that were not been able to prove any allegations, either contained in the complaints or in the civil suit, and that is why after inquiry no action was initiated on any of the complaints, and all the three representations have been filed. The learned counsel for the respondent No.2 has further contended that and in the civil suit after demarcation of the property in dispute the prayer of *ad interim* injunction, sought by the petitioners has been declined.

15. It has also been contended by the learned counsel for the respondent No.2 has further contended that false and frivolous pleas were taken by the petitioners before the police authorities as well as the Civil Court, and that in the similar fashion the petitioners have approached this Court by alleging that the filing of FIR against them amount to abuse of process of law. According to learned counsel for the respondent No.2, in fact, the petitioners have been misusing the process of law with impunity and thereby harassing the respondent No.2, so that they could extort money. As per learned counsel for



the respondent No.2 since there are very specific allegations, with regard to demand of money under the threat, that they would continue to harass the respondent No.2 by filing false complaint and application under Right to Information Act, the offences under Sections 384 & 385 read with Section 511 IPC are made out. On the above mentioned grounds the learned counsel for the respondent No.2 has contended that the present petition has been filed on false grounds, and that there is no merit in the present petition and the same deserves dismissal.

16. The record has been perused carefully.

17. In the present case, at the very outset, it is relevant to mention here that the foundation of FIR, in the instant case, is the complaint filed by the respondent No.2 before the police, i.e. the complaint dated 16.03.2018. The allegations contained in the above mentioned complaint contains three different components, i.e.:-

- i) the filing of false complaints before the police authorities which amounts to offence under Section 182 IPC;
- ii) the filing of suit in Civil Court seeking injunction, wherein the application for ad-interim injunction has been dismissed;
- iii) the allegations with regard to extortion of money, i.e, demand of Rs.50,00,000/- under threat of harassing the petitioners by filing false complaints.

Point No.1

18. As far as the first point is concerned, at the very outset, it is pertinent to mention here that the allegations contained in the FIR itself shows



that there were three instances when inquiry by the police authority was conducted. At first instance the Commissioner of Police took cognizance on the news paper clipping, published in Newspaper 'Jagbani' dated 29.08.2015.

19. With regard to above mentioned report the inquiry report was submitted on 31.08.2015, thereafter the petitioners appeared before the Commissioner of Police on 17.11.2015 and on their request the inquiry was conducted again and the report was submitted on 29.09.2015. Thereafter the petitioners appeared before the Commissioner of Police on 26.11.2015 and the inquiry was conducted for third time and when the inquiry was conducted for the third time, however, in the inquiries and the allegations levelled by the petitioners were found to be false.

20. As per reply submitted by the State one more complaint bearing No.1290336 was filed by the petitioners on 10.03.2018 and with regard to above mentioned complaint the Commissioner of Police Ludhiana, asked for the opinion of the District Attorney Legal, who, for filing of the false complaints dated 31.08.2015, 29.09.2015 and 26.11.2015, opined that in view of above mentioned false complaints and the allegations that there was demand for extortion of money, the FIR under Sections 182, 120-B, 384, 385 and 511 IPC may be lodged.

21. With regard to above mentioned allegations, at the very outset, it is pertinent to mention here that it is the case of the prosecution that the above mentioned false representations/complaints were filed by the petitioners before the police authorities i.e. Commissioner of Police. In such circumstances as per Section 195 of Cr.P.C. the prosecution of the petitioners could have been on a



complaint filed by the Commissioner of Police.

Section 195 of Cr.P.C. provides that no Court shall take cognizance:-

- i) xxx xxx xxx
- ii) Where a complaint has been made by a public servant under clause (a) of Sub-Section (1) any authority to which he is administratively subordinate may order the withdrawal of the complaint and send a copy of such order to the Court; and upon its receipt by the Court, no further proceedings shall be taken on the complaint;

Provided that no such withdrawal shall be ordered if the trial in the Court of first instance has been concluded.

22. Similar situation has been dealt with by this Court in the case of ‘Rajinder Kumar Chhibbar Vs. Aseem Bakshi’, 2006(3) RCR (Criminal) 586, wherein it has been observed that if an application is submitted to public servant and the same is found to be false, only the said public servant, to whom the complaint is addressed, is competent to file a complaint under Section 182 Cr.P.C.

23. Similar view has been taken by another Bench of this Court in case of 'Jai Bhagwan Vs. Satbir and another', 2019(2) RCR (Criminal) 377.

24. Taking into consideration the above mentioned bare provisions contained under Section 195(2) of Cr.P.C., and the principles of law propounded in the cases discussed above, it is hereby held that the lodging of



FIR at the instance of respondent No.2, for the commission of offence under Section 195 Cr.P.C., was barred. In fact, complaint under Section 182 Cr.P.C. could have been filed by the police authorities only to whom the representation/complaint was addressed. The point No.1 is hereby answered accordingly, i.e. in favour of the petitioners.

Point No.2

25. The second point involved in the present petition is with regard to civil suit filed by the petitioner No.2 in the Civil Court. With regard to above mentioned civil suit there are two aspects:

- i) that it is yet to be decided finally and thus at this stage it is not possible to hold that the averments made by the petitioner No.2 in the suit are false;
- ii) that once a right has been exercised by the petitioner No.2 by filing a suit in the Court, the same cannot amount to an offence by the respondent No.2, under Section 182 of Cr.P.C.

26. The enactment of Section 182 IPC has not been for the purpose that every litigants who fail in a civil suit should be subjected to prosecution under the aforesaid Sections. Otherwise also since the civil suit has been filed in the Court of learned Civil Judge, only that Court is competent, while invoking the jurisdiction under Section 340 Cr.P.C., to file complaint against the petitioners. Thus, with regard to above, mentioned litigation the filing of FIR by the police is illegal. Hence, this point too, is hereby answered in favour of petitioners.

**Point No.3**

27. As far as this point is concerned, at the very outset, it is pertinent to mention here that very vague and inconclusive allegations have been made by the respondent No.2 in his complaint with regard to demand of money by the petitioners, under the threat that they will continue to harass the respondent No.2 on non-payment of money. With regard to above mentioned allegations first of all the mode of threat, the date time and place of threat etc. have not been disclosed by the respondent No.2 in the complaint, and therefore, on the basis of above mentioned vague and inconclusive allegations cognizance for the offence under Sections 182, 384, 385, 511 and 120-B could not have been taken.

28. Be that as it may for the sake of arguments, even if, it is assumed that the above mentioned allegations are true even then this fact cannot be ignored that the foundation for demand of money was the filing of false complaint before the police. Thus, the basic offence on which the offence for extortion of money was founded was the filing of complaint, the offence under Section 182 IPC is an integral part of the subsequent offence under Sections 384, 385, 511 and 120-B IPC, in view of law propounded by the Hon'ble Supreme Court of India in the case of 'Devender Kumar Vs. The State (NCT of Delhi) and another', Special Leave Petition (Criminal) No.12373 of 2025.

29. In the above mentioned case, the Hon'ble Supreme Court of India has concluded as under:-

- i) 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.

- ii) If in truth and substance, an offence falls in the category of Section 195(1)(a)(i), it is not open to the court to undertake the exercise of splitting them up and proceeding further against the accused for the other distinct offences disclosed in the same set of facts. However, it also cannot be laid down as a straitjacket formula that the Court, under all circumstances, cannot undertake the exercise of splitting up. It would depend upon the facts of each case, the nature of allegations and the materials on record.
- iii) Severance of distinct offences is not permissible when it would effectively circumvent the protection afforded by Section 195(1)(a)(i) of the Cr.P.C., which requires a complaint by a public servant for certain offences against public justice. This means that if the core of the offence falls under the purview of Section 195(1)(a)(i), it cannot be prosecuted by simply filing a general complaint for a different, but related, offence. The focus should be on whether the facts, in substance, constitute an offence requiring a public servant's complaint.
- iv) In the aforesaid context, the courts must apply twin tests. First,



the courts must ascertain having regard to the nature of the allegations made in the complaint/FIR and other materials on record whether the other distinct offences not covered by Section 195(1)(a)(i) have been invoked only with a view to evade the mandatory bar of Section 195 of the I.P.C. and secondly, whether the facts primarily and essentially disclose an offence for which a complaint of the court or a public servant is required.

- v) Where an accused is alleged to have committed some offences which are separate and distinct from those contained in Section 195, Section 195 will affect only the offences mentioned therein. However, the courts should ascertain whether such offences form an integral part and are so intrinsically connected so as to amount to offences committed as a part of the same transaction, in which case the other offences also would fall within the ambit of Section 195 of the Cr.P.C. This would all depend on the facts of each case.
- vi) Sections 195(1)(b)(i)(ii) & (iii) and 340 of the Cr.P.C. respectively do not control or circumscribe the power of the police to investigate, under the Criminal Procedure Code. Once investigation is completed then the embargo in Section 195 would come into play and the Court would not be competent to take cognizance. However, that Court could then file a complaint for the offence on the basis of the FIR and the



material collected during investigation, provided the procedure laid down in Section 340 of the Cr.P.C. is followed.

30. In view of above mentioned discussions once the offence under Section 182 cannot be separated from the allegations with regard to offence under Sections 384 & 385 read with Section 511, it is hereby observed that the bar of Section 195 Cr.P.C. is attracted qua above mentioned allegations also. Thus the point No.3, too, is hereby answered in favour of the petitioners.

31. In the present case it is also relevant to note here that the charge sheet in this case has already been filed by the police. In this regard the Hon'ble Supreme Court of India in the case of 'Anand Kumar Mohatta and Anr. Vs. State (Govt. of NCT of Delhi), Department of Home and Anr.' Criminal Appeal No.1395 of 2018, has observed that High Court has inherent jurisdiction to prevent the abuse of process of law and that abuse of process of law caused by the FIR stands aggravated if the FIR has taken form of charge-sheet after investigation. According to the Hon'ble Supreme Court of India, the High Court has inherent power to quash FIR even after charge-sheet has been filed.

32. As far as the jurisdiction vested in this Court for quashing of FIR is concerned, the guiding principles have been laid by the Hon'ble Supreme Court of India in the case of 'Neeharika Infrastructure Pvt. Ltd. (supra)'. Those guidelines are as under:

“i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in



Chapter XIV of the Code to investigate into a cognizable offence;

- ii) Courts would not thwart any investigation into the cognizable offences;
- iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;
- iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare cases (not to be confused with the formation in the context of death penalty).
- v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;
- vi) Criminal proceedings ought not to be scuttled at the initial stage;
- vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;



- ix) The functions of the judiciary and the police are complementary, not overlapping;
- x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;
- xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- xii) The first information report is not an encyclopedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;
- xiii) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more



cautious. It casts an onerous and more diligent duty on the court;

- xiv) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint;
- xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;
- xvi) The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in



progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or “no coercive steps to be adopted” and the accused should be relegated to apply for anticipatory bail under Section 438 Cr.P.C. before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or “no coercive steps” either during the investigation or till the investigation is completed and/or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of the quashing petition under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India;

xvii) Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order.

xviii) Whenever an interim order is passed by the High Court of “no



coercive steps to be adopted” within the aforesaid parameters, the High Court must clarify what does it mean by “no coercive steps to be adopted” as the term “no coercive steps to be adopted” can be said to be too vague and/or broad which can be misunderstood and/or misapplied.”

33. In addition to above, In the case of ‘Bhajan Lal (*supra*)’, the Hon’ble Supreme Court of India after reviewing large number of cases on the question of quashing of FIR, has laid down that the FIR can be quashed in the following circumstances:-

- a) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
- b) Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
- c) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- d) Where, the allegations in the F.I.R. do not constitute a



cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

- e) Where the allegations made in the F.I.R. or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.
- f) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.
- g) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

34. As a sequel to above mentioned discussions and the findings recorded on the above mentioned three points of determination, it is hereby observed that instant case is a case wherein *firstly*, the filing of FIR at the



instance of the respondent No.2 is barred under Section 195 of Cr.P.C. and *secondly*, the same amounts to an abuse of process of law. Thus, the instant petition qualifies the parameters prescribed by the Hon’ble Supreme Court of India, with regard to situation wherein the extraordinary jurisdiction to prevent abuse of process should be exercised. Hence, it is hereby observed that the present petition deserves to be allowed. The same is hereby **allowed**, accordingly, and the FIR No.139 dated 08.06.2018, and all the subsequent proceedings arising therefrom are hereby **quashed**.

35. Pending miscellaneous application(s), if any, also stands disposed of.

(SURYA PARTAP SINGH)
JUDGE

28.04.2026
Manoj Bhutani

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