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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-11168-2026****Date of decision :20.03.2026****SUMEET SOFAT****... Petitioner(s)****Versus****STATE OF PUNJAB****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI****Present:** Dr. Sumeet Sofat,
petitioner-in-person.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 528 of BNSS, 2023 is for quashing of the order dated 27.01.2026 (Annexure P-2) whereby the application moved by the petitioner/complainant under Section 175(3) of BNSS [156(3) of Cr.P.C.] in case titled as “Dr. Sumeet Sofat Vs. State of Punjab” has been dismissed with a further prayer that directions be issued for the registration of an FIR.

2. The brief facts of the case as stated by the petitioner/complainant (hereinafter referred to as the petitioner in his complaint) is that he is the exclusive owner in possession of a property measuring 300 sq. yards in Village Sunet, Ludhiana. On 28.11.2024, he along with his wife visited the property at about 10.00 PM. He was shocked to see that Harvinder Singh and Sanjeev Kumar Gupta (hereinafter referred to as accused Nos.1 & 2) had criminally trespassed into his plots and were trying to raise illegal construction during night time. He immediately

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informed the police. ASI Jatinder Singh night duty officer at Police Station Sadar reached the crime scene. The petitioner saw the accused and unknown persons escaping from the plot by scaling the back wall. They had stolen a wooden table and four chairs lying in the plot. ASI Jatinder Kumar apprehended four unknown persons and took them away with him. He (petitioner) gave a handwritten complaint to the night duty officer but no action was taken. On the next day, he came to know that the four accused had been let off. He stated that the accused persons were trying to dispossess him on the basis of forged and fabricated documents. Despite multiple complaints having been made to the police, no action was taken for the registration of the FIR leading to the filing of the petition under Section 175(3) of BNSS [156(3) of Cr.P.C.].

3. On the filing of the complaint, the Court called for the status report from the SHO, P.S. Sadar. Based on the said status report, the Court came to the conclusion that there was no clarity regarding the title as well as possession of the petitioner and therefore, no directions to the SHO could be given for registration of an FIR as no cognizable offence was made out. Thereafter, he dismissed the said complaint vide impugned order dated 27.01.2026 (Annexure P-2).

4. It is this order which is under challenge in the present petition.

5. The petitioner-in-person contends that he had seen both the accused with unknown persons present at the spot who on seeing him and the police party escaped from there. ASI Jatinder Singh apprehended

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below has not considered the fact that the accused have a long criminal history and multiple other cases registered against him. The allegations disclose the commission of cognizable offences. Therefore, the impugned order is liable to be set aside and directions be issued for registration of an FIR under the appropriate provisions of the BNS.

6. I have heard the petitioner-in-person.

7. A perusal of the impugned order would reveal that there is admittedly a civil dispute pending between the petitioner on the one hand and the accused on the other. There is no document to suggest that the petitioner holds the title over the property where the alleged occurrence took place. Therefore, it appears that the Court rightly came to the conclusion that as the title as well as possession of the petitioner was not clear in his application, no directions to the SHO could be issued for registration of an FIR. Only a DDR No.6 dated 29.11.2024 was registered and the labour present at the spot were released from custody.

8. It would be relevant to reproduce the extract of the impugned order dated 27.01.2026 (Annexure P-2). The same reads as under:-

“2. In order to effectively adjudicate the present matter, status report from SHO PS Sadar was called. Consequent to this, the report dated 21.03.2025 was filed by SHO PS Sadar Ludhiana through Chownki InCharge Lalton Kalan which is a part of present file.

3. It is evident from the report of SHO that one information was received from Control Room on the phone call of Dr. Sumit Sofat that some persons were raising construction in his plot. On the spot, ASI Jatinder Singh reached and verified the facts.



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It is further mentioned in the report that during inquiry on the spot he found that dispute regarding this plot is already between the parties and matter is pending in the Court. Further, an FIR No.92/2024 u/S 419, 420, 467, 468, 447, 551, 120-B IPC, P.S. Sadar, Ludhiana has already been registered. Accused Harwinder Singh is on bail in that FIR. Further, it is mentioned that Harwinder Singh had sold the said property further to Sanjeev Kumar Gupta, who had called labourer on the spot. I.O. further mentioned in the report that there is no involvement of labourer in any matter, so, they were released from the custody. In this regard, one DDR No.6 dated 29.11.2024 has also been registered.

4. I have carefully perused the status report filed by the police authority and no reason has come on record to doubt the same. The consideration of complainant was heard in light of his pleading and documents on record. Complainant relied upon judgment titled as "Lalita Kumari Vs. Govt. of UP", "Rajesh Kumar Bharti vs State of Haryana," CWP No. 10185 of 2004, "XYZ Vs. state of MP" CRA No. 1184 of 2022 and "Gregory Patrao Vs. Mangalore Refinery" 2022 (10) SCC 461.

The undersigned has perused the status report document produced by the complainant and judgment relied upon by him. The complainant /applicant has relied upon the judgment passed by Hon'ble Supreme court of India mentioned above. The above-said judgments relates to section 154 Cr.P.C and binding nature of order of Hon'ble Supreme Court of India. However, the same are applicable only when cognizable offence has been committed. In these judgments duties of police officials in the cognizable matters have been considered. Thus, these authority which has been hotly pressed by the applicant for registration of FIR are applicable only when it is established that a cognizable offence has been committed. Further, the rulings of Hon'ble Superior Courts do not issue directions for registration of FIR in each and every application



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under section 156 (3) Cr.P.C without applying its judicial mind. Further the reliance can also be placed upon case titled as Anil Kumar vs. M.K. Aiyappa (2013) 10 SCC 705, wherein it has been observed by Hon'ble Supreme Court that where jurisdiction is exercised on a complaint filed in terms of Section 156(3) or Section 200 CrPC, the Magistrate is required to apply his mind. The application of mind by the Magistrate should be reflected in the order, though a detailed expression of his views is neither required nor warranted. Further support draws from decision of Hon'ble Supreme Court in case titled as Priyanka Srivastava and another vs. State of Uttar Pradesh and others, (2015) 6 SCC 287 wherein it has been held that Magistrate has to remain vigilant with regard to the allegations made and the nature of allegations and not to issue directions without proper application of mind. It was further held that power under Section 156(3) warrants application of judicial mind. A court of law is involved. It is not the police taking steps at the stage of Section 154 of the code. A litigant at his own whim cannot invoke the authority of the Magistrate. A principled and really grieved citizen with clean hands must have free access to invoke the said power. It protects the citizens but when pervert litigations takes this route to harass their fellows citizens, efforts are to be made to scuttle and curb the same. It was further observed that the veracity of the complaint can also be verified by the learned Magistrate, regard being had to the nature of allegations of the case. We are compelled to say so as a number of cases pertaining to fiscal sphere, matrimonial dispute/family disputes, commercial offences, medical negligence cases, corruption cases and the cases where there is abnormal delay/laches in initiating criminal prosecution, as are illustrated in Lalita Kumari [(2014) 2 SCC 1: (2014) 1 SCC (Cri) 524] are being filed."

After going through the laid down by the Hon'ble Superior Courts in above discussed cases, this court is of the view that no direction can be issued to SHO concerned for



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registration of FIR as prayed by the applicant against the accused in cases without apply its judicial mind.

Now, it is duty of the applicant to bring on record the fact regarding commission of cognizable offence. However, no document regarding his title over the property where alleged occurrence took place has been brought on record by the applicant. From the report of SHO, it is clear from the report of SHO that the place of occurrence is disputed property regarding which civil litigation is already pending. Further, it has been mentioned that Harwarinder Singh had transferred the said plot further to Sanjeev Kumar Gupta, who being an owner is raising construction with the help of police party. Therefore, this Court at this stage, is of the opinion that since the title as well as possession of applicant is not clear in this application, hence, no direction to SHO can be given.

Further the applicant has failed to bring on record that how his case falls under the preview of section 61(2), 3(5), 305, 324(3), 330, 331, 332 BNS. Moreover, reliance can also be placed upon judgment of Hon'ble SC in case titled as Usha Chakraborty v. State of West Bengal 2023 SCC Online SC 90, wherein it has been recently held by Hon'ble Apex Court that while passing an order for registration of an FIR upon an application filed under Section 156(3) Cr.P.C., the Court must satisfy itself that basic ingredients of the alleged offences are fulfilled. if such allegations in the petition are vague and are not specific with respect to the alleged offences it cannot lead to an order for registration of an F.I.R. and investigation on the accusation of commission of the offences alleged."

In view of discussion made above, in light of above-mentioned judgments, this court is of opinion that application of the applicant is having no merits and same is hereby dismissed. Further, no prejudice would be caused to complainant if his complaint/application be treated as private complaint. However, in para No. 17 of the complaint/application, complainant has specifically mentioned

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that no prayer in the application has been made to treat this application as private complaint as evidence is beyond reach of applicant. In this given circumstances and in view of detailed discussion made above, the application of applicant is hereby dismissed and disposed. The file be consigned to record room after due compliance.”

9. It is a settled proposition of law that the Magistrate has the discretion to either refer the case to the Investigating Agency under Section 156(3) Cr.P.C. [175(3) of BNSS] for the registration of the FIR or treat the said complaint like a private complaint and then proceed to summon the accused.

10. Keeping in view the above discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

20.03.2026

JITESH

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