



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(142) CRM-M-12279-2026
DATE OF DECISION: 13.03.2026

SaritaPetitioner

VERSUS

State of Haryana and othersRespondents

CORAM HON’BLE MR. JUSTICE SUBHAS MEHLA

Present Ms. Shruti Jain Dutt, Advocate, (Legal Aid Counsel)
for the petitioner.
Mr.Aditya Pal Singla, AAG, Haryana.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed under Section 582 of BNSS for quashing of order dated 07.09.2024 (Annexure P-2), passed by learned Judicial Magistrate Ist Class, Yamuna Nagar in complaint No. COMI /190 /2022, titled as “Sarita versus Bharat Bhushan and others”, upto the extent of non summoning of the respondents no.2 to 5 (accused no.3 to 6 in complaint), on account of want of sanction pre-requisite under Section 197 Cr.P.C, 1973 and order dated 21.07.2025 (Annexure P-3) whereby the Criminal Revision Petition vide CRM No.60 of 2024, titled as “Sarita versus Bharat Bhushan and others” against the order dated 07.09.2024 (Annexure P-2) has been dismissed by the learned Additional Sessions Judge, Yamuna Nagar.
2. Learned counsel for the petitioner contends that the petitioner had lodged a complaint dated 26.08.2022 regarding theft of two CCTV cameras from her premises, disclosing commission of an offence under Section 379 IPC; however, despite representations to the SHO, Police



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Station Farakpur, complaints to the Superintendent of Police, Yamuna Nagar and through the CM Window Portal, no FIR was registered nor any investigation conducted and the grievance was closed without proper inquiry; that the failure of the police officials (respondent Nos. 2 to 5) to register the FIR despite disclosure of a cognizable offence attracts Section 166-A IPC. In support of his contentions, learned counsel has placed reliance upon law laid down by Hon'ble Supreme Court of India in **Lalita Kumari vs. Government of Uttar Pradesh & Ors., AIR 2014 SC 187**; that though the learned JMIC, after recording preliminary evidence, summoned accused Nos. 1 and 2, the police officials were not summoned on the ground that sanction under Section 197 Cr.P.C. was required and the revision preferred by the petitioner was also dismissed; that the courts below have erred in holding that sanction under Section 197 Cr.P.C. is mandatory, as the explanation to Section 197 Cr.P.C. clearly provides that no such sanction is required for offences under Section 166-A IPC; that the courts below failed to consider the documentary material on record including the complaint dated 26.08.2022, ATR report and Kalandra proceedings, which indicate deliberate inaction on the part of the police officials. Hence, prayer has been made for setting aside the impugned orders to the extent of non-summoning of Respondent Nos. 2 to 5.

3. Notice of motion.

4. Mr.Aditya Pal Singla, AAG, Haryana, appeared on behalf of State of Haryana and opposed the petition by contending that the impugned orders passed by the courts below are legal and well-reasoned and do not warrant interference by this Court in exercise of its inherent jurisdiction; that

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after considering the preliminary evidence, the learned JMIC rightly summoned accused Nos. 1 and 2 and declined to summon respondent Nos. 2 to 5, being police officials, as the allegations pertain to acts performed in discharge of official duties for which prior sanction under Section 197 Cr.P.C. is required; that the revisional Court has also examined the matter and dismissed the revision after due consideration; that the petitioner is essentially seeking re-appreciation of evidence, which is impermissible in proceedings under Section 528 BNSS/Section 482 Cr.P.C. Hence, the present petition deserves to be dismissed.

4. Heard.

5. After hearing learned counsel for the parties and perusing the record, this Court finds that the learned trial Court has considered the preliminary evidence led by the complainant and passed a reasoned order declining to summon respondent Nos. 2 to 5. The revisional Court has also examined the matter and affirmed the said view. The allegations against the said respondents pertain to acts performed in discharge of their official duties and, therefore, prior sanction under Section 197 Cr.P.C. is required before taking cognizance. In the absence of such sanction, the learned trial Court rightly declined to summon the said respondents.

6. No illegality or error has been pointed out in the impugned orders warranting interference by this Court in exercise of its inherent jurisdiction. Hence, the present petition is hereby dismissed.

13.03.2026

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(SUBHAS MEHLA)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No