



CRM-M-33894-2015 (O&M)

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

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Decided on: 20.01.2026

CRM-M-33894-2015 (O&M)

Varinder Mehta and others

.... Petitioners

versus

Tejinder Mohan Mehta

.... Respondent

CRM-M-18918-2019 (O&M)

Varsha Rani

.... Petitioner

versus

Tejinder Mohan Mehta and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Kunal Dawar, Sr. Advocate with
Mr. Jagjot Singh, Advocate and
Mr. Parminder Singh, Advocate for the petitioners.

Mr. Pankaj Bali, Advocate with
Mr. Sikandh Mehta, Advocate for respondent No.1.

Mr. Amrik Singh Narwal, DAG, Haryana.

Aman Chaudhary, J. (Oral)

1. This order shall dispose of above-said petitions as both of them have arisen out of the same criminal complaint. Brief facts of the case are taken from CRM-M-33894-2015.

2. The present petition has been filed under Section 482 Cr.P.C., for quashing of criminal Complaint No.29/12 dated 28.09.2011 titled as “Tejinder Mohan Mehta vs. Varinder Mehta and others” under Section 31 of the Representation of People Act, 1950 and Sections 420, 467, 468, 471 and



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120-B IPC and all consequential proceedings arising therefrom including the summoning order dated 05.06.2015.

3. The allegations against the petitioner No.3 have been levelled by none other than his son for having multiple names in the voter lists of two/three villages which is not an offence as per Section 17 of the Representation of People Act, 1950 and the cognizance of complaint under Clause 2(b) of Section 468 Cr.PC, is barred as it was filed on 28.09.2011 instead of prior to 10.07.2010, when the election had taken place, these issues are no longer *res integra*, as this Court has observed and held in **Rajesh Joshi vs. State through the Electoral Registration Officer**, 2016(2) RCR (Civil) 847, as under:

“2. Brief facts of the case are that the State through Electoral Registration Officer, 15 Amritsar North Assembly Constituency-cum-Additional Deputy Commissioner (Development), Amritsar, Pardeep Kumar Sabharwal, PCS, had filed a criminal complaint against the present petitioners under Section 31 read with Section 17 of the Representation of People Act, 1950 (in short 'the Act'), stating that the petitioners have got themselves enrolled at two places as voter and had made wrong declarations, which is punishable under Section 31 of the Act. The contents of the complaint will be examined in the later part of the judgment.

Notice was issued to the respondent.

I have heard the learned counsel for the parties and have also carefully gone through the file.

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18. Further, it comes out from the contents of the complaint that the offence was committed between year 2006 to year 2008. The complaint was filed on 25.2.2014 i.e. much beyond the



period of limitation of one year. The ground mentioned for extending the period of limitation is that inquiries were pending before different authorities and due to correspondence between different offices of Punjab Government as well as Election Commission of India. However, as per the complaint itself, the same was for the first time received in the December, 2012, on the basis of which the inquiry was initiated. The complaint received by the complainant was itself beyond the period of limitation. No reason has been mentioned as to what were the reasons, for which the alleged offence was not detected till December, 2012. Further, the order passed by the learned Chief Judicial Magistrate, Amritsar, reproduced above, shows that though it was mentioned by the Court that the delay has been properly explained, but the learned Chief Judicial Magistrate, Amritsar, did not pass an expressed order, condoning the delay under Section 473 Cr.P.C. Needless to say that before passing even the said order regarding his satisfaction qua the delay, no hearing opportunity was given to the accused by the learned Chief Judicial Magistrate, Amritsar.

19. From the foregoing discussion, I come to the conclusion that the complaint along with documents attached with the same does not disclose any offence under Sections 31 of the Act and is nothing, but misuse of the process of Court.

20. It is to be added here that an application was filed by two persons, namely, Sandeep Gors, Advocate, and Vaneet Mahajan, Advocate, Amritsar, for impleading them as necessary party, which was dismissed by this Court, vide order dated 28.3.2016, passed in CRM No. 39001 of 2015 in CRM No. M-16907 of 2015. Even order passed by a Division Bench of this Court in **Vaneet Mahajan Versus Election Commission of India and others, (arising out of CWP No. 20660 of 2014, decided on 4.5.2015)** shows that the said applicants wanted that Shri Anil



Joshi, who was elected as a Member of Legislative Assembly (MLA) from Amritsar North Constituency be unseated on the basis of similar allegations of making wrong declaration and alleging that, his name is entered in two places. The said petition was dismissed by a Division Bench of this Court in Veneet Mahajan's case (supra) on 4.5.2015, imposing the costs of Rs. 50,000/-. It goes to show that the said two applicants have their own axe to grind and want to settle some score with one of the respondents, namely, Anil Joshi, who was elected as a Member of Legislative Assembly from Amritsar North Assembly Constituency.”

4. Division Bench of this Court in **Harmilap Singh Grewal vs. Election Commission of India and others**, CWP No.20260 of 2019 dismissed the petition on 27.04.2022 by relying on the aforesaid decision, relevant paras of which read thus:

“6. Learned counsel for respondent No.1 has produced the copy of letter dated 17.12.2019 addressed to Chief Electoral Officer, Punjab, Chandigarh whereby the Election Commission of India has taken a decision that in the present case there was enrollment at more than one polling station between 2011 to 2015 and as per the judgment passed by this Court in “Rajesh Joshi Versus State through the Electoral Registration Officer”, it was observed that the complaint filed being much beyond the period of limitation of one year, be quashed and the Commission also did not find any merit to pursue the case.

7. In **Rajesh Joshi Versus State through the Electoral Registration Officer 2016(2) RCR (Civil) 847**, it has been observed that making false declaration for registration as a voter is an offence under Section 31 of the Representation



of People Act but the period of limitation to file a complaint is one year as envisaged under Section 468 of the Code of Criminal Procedure.

8. In the present case, the plea of the petitioner is that respondent No.5 had contested the elections on 04.02.2017 for the post of Member of Legislative Assembly for the Constituency of Talwandi Sabo, District Bathinda by wrongly showing herself to be the daughter of Darshan Singh. Even if this fact is taken to be correct, the present petition which has been filed beyond the period of limitation of one year on 27.05.2019, cannot be entertained in the light of the observations made by this Court in **Rajesh Joshi's case (supra).**”

5. Learned Senior counsel further submits that once there is order of the Revisional Court in case of co-accused namely Varsha Rani, dismissing the complaint by Additional Sessions Judge, Karnal on 23.01.2019, with regard to offences under Sections 420, 467, 468, 471, 120-B IPC, it would enure to the benefit of the petitioner as well, on fundamental principle of law as held in **Darshan Singh vs. Ranjit Kaur and others**, CRM-M-12565-2016, decided on 27.09.2022.

6. Learned counsel for the complainant-respondent, despite best efforts has been unable to controvert as regards the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law, as such the present petitions are allowed and criminal complaint bearing No.29/12 dated 28.09.2011 and all consequential proceedings arising therefrom, are quashed.



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- 7. In view of above, the petitions stand disposed of.
- 8. Photocopy of this order be placed on the file of the connected case.

20.01.2026
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(AMAN CHAUDHARY)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No