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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-28469-2021 (O&M)
Date of decision: 12th January, 2026

Lakhbir Singh @ Lakhvir Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Yogesh Goel, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Vipul Goel, Advocate with
Mr. Sahil Sidhu, Advocate for respondent No.2.

MANISHA BATRA, J (ORAL):-

1. The petitioners are seeking quashing of FIR No. 74 dated 01.07.2020 registered under Sections 188 of IPC at Police Station Dehlon, District Ludhiana, which was registered on the basis of a complaint submitted by respondent No. 2, the complainant Amar Singh. It was alleged therein that he owned agricultural land measuring 10 kanals situated at village Dangora. A dispute was going on with regard to the said land, and a *Calendera* under Section 145 of the Code of Criminal Procedure (Cr.P.C.) was pending before the Court of the Sub-Divisional Magistrate, Ludhiana, who vide order dated

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29.06.2020 had restrained the complainant–respondent No. 2 and the petitioners from interfering in possession of the above-mentioned land and from entering therein without prior permission of the Court. The complainant–respondent No. 2 alleged that the petitioners, in violation of the above-said order, were interfering in the said land along with their associates. After registration of the FIR under Section 188 of IPC, investigation proceedings were initiated. The petitioners joined the investigation. The investigation now stands completed.

2. It is submitted by learned counsel for the petitioners that the *Calendera* filed under Section 145 of Cr.P.C. was quashed by this Court on a petition filed by the petitioners seeking quashing of the same on the basis of a compromise. After quashing of the said *Calendera*, the proceedings initiated under Section 188 of IPC against the petitioners are not sustainable in the eyes of law and, hence, the impugned FIR is also liable to be quashed. It is further argued that even otherwise, the bar under Section 195 of Cr.P.C. is attracted in the present case, as the impugned FIR was not registered on the basis of a complaint submitted by the Sub-Divisional Magistrate, Ludhiana, but by respondent No. 2, who is a private complainant, and therefore, the same is not maintainable. It is also argued that a compromise has been entered into between the petitioners and respondent No.-2, and the latter has no objection if the FIR and all consequential proceedings arising therefrom are quashed. It is thus urged that the petition deserves to be allowed.

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3. Reply has been filed by respondent No. 2. Learned counsel for respondent No. 2, while affirming the fact that a compromise has been arrived at between the parties, has submitted that this respondent has no objection if the petition is allowed.

4. Respondent No.1-State has filed reply and contested the petition. It is argued that the provisions of Section 195 of Cr.P.C. have been duly complied with, in the present case. The allegations have made out a case for commission of offence punishable under Section 188 of IPC. It is further argued that the petitioners are seeking pre-determination of the trial and that no case for quashing of the FIR is made out. It is thus urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. At the outset, it would be appropriate to refer to the provisions of Section 195 of Cr.P.C. (*corresponding to Section 215 of BNSS, 2023*), which are relevant for the purpose. The same are reproduced as under :

Section 195 (1): No Court shall take cognizance -

(a) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code (45 of 1860), or (ii) of any abetment of, attempt to commit, such offence, or (iii) of any criminal conspiracy to commit, such offence,

Except on the complaint in writing of the public servant concerned or of some other public servant

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to whom he is administratively subordinate;

(b)xxx xxx xxx xxx xxx xxx

7. Then as per Section 188 of IPC, any person, while knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, would be liable to be punished. After going through the aforementioned provisions, it is apparent that if a person disobeys any direction issued in pursuance of an order passed/promulgated by a public servant, he shall be liable for punishment. However, no Court shall take cognizance of any offence under Section 188 of IPC, except on complaint in writing of such public servant or by his administratively superior officer.

8. In the instant case, it is apparent from the record that the aforementioned FIR was not registered on the basis of any complaint filed by the Sub Divisional Magistrate, Ludhiana or his administratively superior officer but was lodged by a private person, namely complainant Amar Singh. As such, the statutory bar under Section 195(1)(a) of the Cr.P.C. was clearly attracted and the learned Court concerned was legally precluded from taking cognizance of the alleged offence on the basis of the impugned FIR. Once the very institution of the proceedings is hit by an express bar of law, the continuation of criminal proceedings pursuant thereto is wholly without

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jurisdiction. It is well settled that any prosecution launched in violation of Section 195 of Cr.P.C. is *void ab initio* and cannot be cured at any subsequent stage. Therefore, allowing the impugned FIR and all consequential proceedings to continue would amount to a sheer abuse of the process of law and would serve no useful purpose as no conviction of the petitioner can ever be recorded on the basis of such legally impermissible proceedings. Consequently, the impugned FIR, having been registered in contravention of the mandatory provisions of Section 195(1)(a) Cr.P.C., is not sustainable in the eyes of law and deserves to be quashed along with all subsequent proceedings arising therefrom in exercise of the inherent jurisdiction of this Court. Accordingly, the present petition is allowed and FIR No. 74 dated 01.07.2020 registered under Sections 188 of IPC at Police Station Dehlon, District Ludhiana is hereby quashed along with all the subsequent proceedings having emanated therefrom.

[MANISHA BATRA]
JUDGE

12th January, 2026
Parveen Sharma/Waseem Ansari

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |