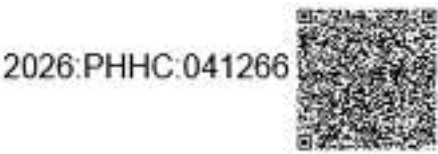


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240



CRM-M-33115-2022 (O&M)
Reserved on: 02.02.2026.
Date of decision: 17.03.2026.
Uploaded on: 17.03.2026.

Whether only operative part of the judgment is pronounced or the full judgment is pronounced.	Operative part/full judgment
---	------------------------------

GURCHARANJIT KAUR

...Petitioner(s)

VERSUS

SH. SARABJIT SINGH DHALIWAL AND OTHERS

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Petitioner in person.

Mr. Ritu Raj, DAG, Punjab.

Mr. Manmeet Singh Bindra, Advocate,
for respondent No.1.

VINOD S. BHARDWAJ, J.

The present petition has been filed under Section 482 of the CrPC (now Section 528 of the Bhartiya Nagarik Suraksha Sanhita, hereinafter referred to as 'BNSS'), seeking strict legal action against respondents Nos. 1 to 5, for allegedly harassing and humiliating the petitioner herein.

2 Brief facts of the case are that the petitioner is an unmarried woman who has been living with her elderly mother. The petitioner argues that respondents No. 2 to 5 registered FIR No. 217 dated 18.06.2019 against her under Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 66A of the Information and Technology Act, 2000 (Section 201 of IPC added later) based on a complaint moved by Gurmohan Singh, Panch, before DSP, Sub Division, Phillaur with the allegations that the petitioner had uploaded a video on social media in which she had used derogatory language against Ravidassia and Balmiki community, which had harmed the religious sentiments of the complainant. Vide order dated 04.07.2019, the petitioner was granted regular bail by the Additional Sessions Judge, Jalandhar. Thereafter, the petitioner approached this Court vide CRM-M-6300-2021, seeking the quashing of FIR No.217 dated 18.06.2019 and vide order dated 09.12.2021, this Court stayed the proceedings under the said FIR, and the matter was eventually ordered to be admitted.

3 The petitioner then filed an application before the Trial Court for seeking a permanent exemption from appearance, in light of the order passed by this Court on 09.12.2021. Vide order dated 08.04.2022, the said application was allowed by the Special Judge, Jalandhar.

4 On 04.07.2022, the then Additional Sessions Judge-I (respondent No.1 herein) directed service of notice upon the petitioner for her appearance before the Trial Court since the latter was absent on the said date. The petitioner then filed an application for taking up the case file and correction of the order dated 04.07.2022, as she had already been permanently exempted from appearance earlier. The petitioner, however, alleged that she was made to sit in the courtroom by respondent No.1 and that no order has been passed by respondent No.1 to date. The petitioner has also alleged that the official respondents issued production warrants during the COVID lockdown period just to harass her and that the state officials are engaging in a vindictive exercise by not allowing her to pursue ***SLP (Crl.) No.10395/2014*** titled as '*Gurcharanjit Kaur vs State of Punjab and Another*' before the Hon'ble Supreme Court. The present petition has thus been filed by the petitioner-in-person seeking legal action against all the respondents.

5 Counsel appearing on behalf of respondent No.1 contends that the said respondent was serving as an Additional District and Sessions Judge at Jalandhar at the relevant time. In April 2021, Sh. Manjinder Singh, the then 1st Additional District and Sessions Judge, was transferred from Jalandhar, and respondent No.1 took charge of his court. The petitioner's case was pending in that court. He contends that due to the COVID pandemic, all cases (including the petitioner's) were being taken up in routine and notices were being issued to parties who were not appearing. Thus, a notice was also issued to the petitioner for her absence on 04.07.2022 since no one brought the fact of the petitioner having been granted exemption from personal appearance to the notice of the Court. He further contends that on 08.07.2022, the petitioner

appeared before the Court, created a hue and cry, disrupted the proceedings and acted disrespectfully towards respondent No.1. However, the learned Judge still went on to pass a fresh order, acknowledging the permanent exemption already granted to the petitioner, despite the latter's conduct. He submits that the petitioner has a vendetta against police officials and that she deliberately chose not to disclose the order dated 08.07.2022, which had been passed in her own application for seeking correction of the order dated 04.07.2022. Since then, respondent No.1 has not only been promoted to the position of District and Sessions Judge, Moga, but he has also superannuated on 30.06.2025. Counsel thus prays that the present petition be dismissed qua respondent No.1.

6 Reply by way of affidavit of Jagdish Raj, PPS, Assistant Commissioner of Police, Sub Division Phillaur, District Jalandhar (Rural), had been filed on behalf of respondents No.2 to 5. Learned State Counsel relies on the aforesaid reply and contends that FIR No. 217 dated 18.06.2019 had been registered against the petitioner under Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989; Section 66A of the Information and Technology Act, 2000 and Section 201 of IPC based on complaint moved by Gurmohan Singh, Panch, before DSP, Sub Division Phillaur. After the registration of the said FIR, the offence under Section 66A of the Information Technology Act was deleted vide DDR No.03 dated 20.06.2019. Thereafter, the petitioner applied for bail before the Sessions Judge, Jalandhar and the same was allowed vide order dated 04.07.2019. After the completion of the investigation, the final report was submitted in the court on 20.02.2020, and the trial in the aforementioned FIR

was stayed by this Court vide order dated 09.12.2021 passed in CRM-M-6300-2021. State Counsel contends that the police officials have no role to play after the presentation of the final report in the Court and that the latter have been dragged into the present litigation as a part of a vindictive exercise on the part of the petitioner. He thus prays that the present petition be dismissed.

7 Despite the Court offer to provide legal aid, the petitioner refused legal aid counsel and insisted on being heard in person and she also submitted that written arguments have already been filed and that the same be taken into consideration.

8 The written arguments are in fact a reproduction of the narration of facts already mentioned in the petition. There are certain additional aspects raised which are as under: -

- (i) No order was passed on her application dated 08.07.2022 for correction of the order dated 04.07.2022 requiring the petitioner to appear. (The averment finds mention even in the written arguments dated 29.01.2025;
- (ii) Petitioner moved an application before the Magistrate on 28.02.2020 of her not being available as she had to appear before High Court on 02.03.2020. The plea was accepted. Yet the bail was cancelled. Hence, once the exemption was accepted, cancellation could not have been ordered;
- (iii) A false agreement was made by one Amrinder Singh Thind and Sandeep Singh Advocates against mother of the petitioner due to which they have filed Court case against

her mother. The mother accepted the agreement allegedly under the pressure of the advocates. The petitioner states that since she had a dispute with Advocates at Jalandhar, FIR No.170 dated 11.08.2008 was registered falsely against her.

- (iv) It is further averred that the trial Court as well as the High Court did not quash the FIR due to which she had to approach the Supreme Court of India and an interim stay was granted. The petitioner has averred that she has refused to accept a settlement offer by the lawyers. The Advocates then gave complaints to police officials against the petitioner wherein she was found innocent. A petition for cancellation of bail was dismissed by the High Court.
- (v) It is further alleged that if FIR No.170 of 11.08.2008 is quashed by the Supreme Court; the reputation of Advocates would be ruined and they would be subjected to cost and
- (vi) It is alleged that FIR No.217 dated 18.06.2019 was registered against her falsely to secure her arrest.

9 I have heard the petitioner-in-person as well as the learned counsel for respondent No.1 and the State.

10 It is not in dispute that the present petition was filed on 18.07.2022 and then re-filed on 20.07.2022 and 26.07.2022, respectively. The petitioner had multiple opportunities to place on record the modified order

that had been passed by the then Additional District and Sessions Judge (respondent No.1 herein) on 08.07.2022. The Learned Judge had acknowledged therein that the petitioner had already been granted permanent exemption from appearance vide order dated 08.04.2022, passed by his predecessor and went on to rectify the order he had earlier passed on 04.07.2022. Yet, a wrong averment had been made not only in the petition but also in the written arguments filed in January 2025 without disputing the submissions filed by the Judicial Officer.

11 While the petition started against the order directing appearance of the petitioner despite exemption, there is an issue hopping, without any prayer, background, status challenge or pleading and spanning nearly 14 years. There is a grievance pertaining to the FIR of 2008, some agreement with mother of the petitioner, her admission in proceedings before the Court, and alleged pressure of compromise, none of which is incorporated in the pleading except for unreferenced mention of order of Supreme Court dated 28.10.2016 in SLP (Crl.) No.10395/2014. The arguments submitted travel much beyond the grievance under reference and challenge before this Court. Even the said grievance had already been addressed by the Judicial Officer even before filing of the petition before this Court, but by conceding the fact of correction.

12 The institution of this case, prima facie, is frivolous and driven more by spite than by reason or objectivity. Ordinarily, this Court would have imposed heavy cost for filing a frivolous petition by concealing facts and solely aimed at casting aspersion against judicial officers and to exert undue passive pressure. However, exercising restraint, cost is not being imposed.

13 There is also merit in the submissions of the learned State Counsel that the role of the police officials is limited to registering the FIR, investigating and subsequently, filing the final report in the Court. No legal action can be taken against the police officials unless the substantive petition, i.e. CRM-M-6300-2021, that has been filed for quashing the FIR No. 217 dated 18.06.2019 and all the subsequent proceedings arising therefrom, is decided first, and this Court comes to a conclusion that the said officials had acted in any illegal, arbitrary or malicious manner.

14 In light of the observations made above, the present petition is dismissed.

March 17, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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