



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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**CRM-M-42436-2022 (O&M)
Date of decision : 17.03.2026**

Wazir Singh & Ors.

..... Petitioners

VERSUS

State of Haryana & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Amritpal Singh, Advocate for the petitioners.

Mr. R.S. Chauhan, AAG Haryana.

Mr. Robin Lohan, Advocate for the respondent No.2.

SURYA PARTAP SINGH, J.

1. By virtue of present petition, the extraordinary jurisdiction vested in this Court by virtue of Section 482 of Criminal Procedure Code has been invoked.

2. The abovementioned petition has been filed for quashing of complaint No.COMI/3/2021, titled as 'Vijender V/s Wazir Singh', pending before the Court of learned Judicial Magistrate First Class Hansi, hereinafter being referred to as 'trial Court' only. In addition to complaint, the summoning order dated 22.10.2021, whereby the petitioners have been summoned to face trial for the commission of offence punishable under Sections 420, 467, 468, 471, 120-B of Indian Penal Code, has also been challenged.



3. In nut-shell, the facts emerging from record are that the respondent No.2/complainant, hereinafter being referred to as 'respondent No.2' only, has filed a complaint against the petitioners/accused, hereinafter being referred to as 'petitioners' only, alleging that all the petitioners under common conspiracy, and with the intention to cause loss to the respondent No.2, had filed three cases for partition in the Court of Tehsildar, Bas, District Hisar, and that in the abovementioned cases, deliberately, with *mala fide* intentions, the address of the respondent No.2 was wrongly mentioned as Village Bhaklana, whereas the respondent No.2 at that point of time was living in Village Mohala, Tehsil Bas, District Hisar. While claiming that with the motive of obtaining an *ex parte* decree, the abovementioned exercise was undertaken by the petitioner, the respondent No.2 alleged that by abovementioned act the petitioner had committed the abovementioned offences.

4. It has also been alleged by the petitioners that by taking advantage of mentioning wrong address, of the respondent No.2, the petitioners were successful in getting an order, whereby the respondent No.2 was ordered to be proceeded against *ex parte*, but subsequently when respondent No.2 came to know about the abovementioned development, he moved an application and got the order set aside. While claiming that by creation of false documents with an intention to cause loss to the respondent No.2, the petitioners committed the abovementioned offence, the complaint was filed by the respondent No.2.

5. Heard.



6. It has been contended by learned counsel for the petitioner that the abovementioned private complaint filed by the respondent No.2 is nothing, but an abuse of process of law, as with regard to judicial proceedings conducted by the Tehsildar, any complaint at the instance of respondent No.2 should not have been entertained by the Court of learned Judicial Magistrate, it has also been contended by learned counsel for the petitioner that otherwise also, in order to constitute the abovementioned offence, one of the essential ingredients is the wrongful loss and wrongful gain, and that in the present case, there is no wrongful loss or wrongful gain to the respondent No.2, and thus, the essential ingredients meant for the commission of offence punishable under Sections 420, 467, 468, 471, 120-B of IPC are not made out.

7. The learned State Counsel, being assisted by learned counsel for the respondent No.2, has controverted the abovementioned arguments.

8. The record has been perused carefully.

9. As far as the present case is concerned, at the very outset it is pertinent to mention here that in the present case, the bare perusal of complaint itself shows that cognizance against the petitioner has been taken with regard to documents, which were filed before the Revenue Officer, i.e. Tehsildar concerned.

10. The only allegation against the petitioners is that they had recorded a wrong address of the respondent No.2. With regard to



abovementioned contentions, raised by the respondent No.2, there are three relevant aspects, which are required to be taken into consideration:-

- Firstly, the mentioning of wrong address does not amount to creation of a document, which amounts to valuable security;
- Secondly, the record itself shows that neither any wrongful loss was caused to the respondent No.2, nor any wrongful gain was achieved by the petitioner, by mentioning wrong address of the respondent No.2 in the partition proceedings, and
- Thirdly, since the document was used in the proceedings being conducted by Revenue Officer, without a complaint in writing, with regard to contents of the documents, which are part of record of Revenue Department, the respondent No.2 was precluded from filing a private complaint.

11. With regard to scope and indulgence of this Court to exercise extraordinary jurisdiction, the guiding principles, wherein extraordinary jurisdiction for quashing of FIR can be exercised, have been laid down by the Hon'ble Supreme Court of India in the case of 'State of Haryana Vs. Ch. Bhajan Lal', 1991(1) RCR 383. Those guidelines prescribe that:-

- a) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
- b) Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not



disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

- c) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- d) Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
- e) Where the allegations made in the F.I.R. or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.
- f) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.
- g) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

12. If the factual matrix of the present case is analyzed in the light



of abovementioned principles of law, it transpires that the complaint filed by the respondent No.2 is not maintainable and the summoning order of petitioners on the basis of abovementioned complaint is nothing, but an abuse of process of law. Hence, it is hereby observed that the complaint in question, vis-à-vis the summoning order dated 22.10.2021, and all other consequential proceedings pertaining to abovementioned complaint deserve to be quashed.

13. Accordingly, the present petition is hereby *allowed* and the complaint, vis-à-vis the summoning order dated 22.10.2021 and all other consequential proceedings pertaining to abovementioned complaint, are hereby quashed.

14. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

17.03.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No