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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

119-2

CRM-M-43500-2020 (O&M)
Date of decision : 04.02.2026

Lajpat Manchanda and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Pankaj Maini, Advocate
for the petitioners.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of the Code of Criminal Procedure (*for short 'the Code'*) is for quashing of the proceedings initiated against the petitioners by respondent No. 3 on the complaint of respondent No. 4 submitted under Section 107 read with Section 151 of the Code by filing Calendra on 11.11.2020 (Annexure P-2).

2. Brief facts relevant for the purpose of disposal of this petition are that petitioner Nos. 1 and 2 are senior citizens and retired government servants, who claim to be leading a peaceful retired life along with their son petitioner No. 3. The dispute arose with private respondent Nos. 4 to 6, who are neighbours of the petitioners. According to the petitioners, they have been continuously interfering in their peaceful living by intruding into their personal lives, creating nuisance and using pressure tactics. It is alleged that the private respondents particularly interfered in the personal life of

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petitioner No. 3, who resides on the first floor of the house, and frequently intervened in the day-to-day affairs of the petitioners. It is further alleged that on 07.11.2020, when petitioner Nos. 1 and 3 were not at home, the private respondents allegedly used abusive language against the female members of their family, which compelled petitioner No. 2 to lodge a complaint with respondent No. 3 (police official). After coming to know about the said complaint, the private respondents allegedly developed animosity towards the petitioners and on 11.11.2020, again raised hue and cry on false and frivolous grounds, gathered several persons and created a scene, choosing a time when petitioner No. 2 was alone at home. It is alleged that abusive language was again used and a false complaint was made by respondent No. 4 to respondent No. 3. At the time of the alleged incident, petitioner Nos. 1 and 3 were not present at the spot. Petitioner No. 2 requested that the CCTV footage installed at the house, which had recorded the entire incident, be examined.

3. As per further submissions made in the petition, respondent No. 3, without verifying the CCTV footage or ascertaining the presence or involvement of petitioner Nos. 1 and 3, proceeded to initiate impugned proceedings by preparing a Calendra dated 11.11.2020 and forwarding it to the competent authority. Pursuant thereto, the DCP-cum-Executive Magistrate, Gurugram issued notices dated 19.11.2020 to the petitioners as well as the private respondents, directing them to appear and furnish surety bonds of ₹20,000/- each.

4. Learned counsel for the petitioners has argued that the

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impugned proceedings under Sections 107/151 of the Code are a clear abuse of the process of law, having been initiated mechanically and without any application of mind. It is submitted that petitioner Nos. 1 and 2 are senior citizens and retired government servants, while petitioner No. 3 is a law-abiding resident and none of the petitioners posed any threat to public peace. It is further argued that at the time of the alleged incident dated 11.11.2020, petitioner Nos. 1 and 3 were not even present at the spot and there is no material to show their involvement in any altercation. Respondent No. 3 failed to conduct a fair and impartial inquiry, ignored vital evidence including CCTV footage and photographs offered by the petitioners and blindly acted on the false and motivated version of private respondent Nos. 4 to 6, who were nursing a grudge after the complaint dated 07.11.2020. It is argued that the preventive proceedings were initiated only to give undue advantage to the private respondents and to harass the petitioners. Hence, it is urged that the petition deserves to be allowed and the impugned proceedings are liable to be quashed.

5. *Per contra*, learned State counsel has argued that the proceedings initiated under Sections 107/151 of the Code were purely preventive in nature and intended only to maintain public peace and tranquility and not to punish the petitioners. It is argued that the competent authority had issued notices to both sides, including the petitioners, directing them to appear and furnish requisite bonds. However, the petitioners failed to avail the said opportunity and instead of cooperating with the preventive process, the petitioners have filed the present petition seeking quashing of

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impugned proceedings, which was uncalled for. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The proceedings impugned herein have been initiated under Sections 107/151 of the Code, which are well recognised preventive provisions intended to maintain public peace and tranquillity. The scope of interference by this Court under Section 482 of the Code in such matters is limited, particularly when the action complained of is preventive in nature and not punitive. A perusal of the record shows that the proceedings were initiated on the basis of a report submitted by respondent No. 3 apprehending breach of peace between the parties, who are admittedly neighbours. The material placed on record reflects existence of a neighbourhood dispute, complaints and counter-allegations, which, by their very nature, are capable of disturbing public tranquillity. At the stage of initiation of the proceedings under Sections 107/151 of the Code, the authority concerned is not required to conduct a detailed inquiry or record a finding of guilt, as the object of the proceedings is merely to prevent a likely breach of peace. It is well settled that the preventive jurisdiction is founded on subjective satisfaction of the authority based on the likelihood of disturbance to public peace and not on proof beyond reasonable doubt, as required in criminal trials.

8. The contention raised on behalf of the petitioners that CCTV footage was not examined or that petitioner Nos. 1 and 3 were not present at the spot, cannot be a ground to quash the preventive proceedings at the

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threshold. Such proceedings do not adjudicate culpability nor do they attach any stigma but only require the parties to execute bonds to maintain peace. It is equally well settled that the adequacy or sufficiency of material leading to initiation of proceedings under Section 107 of the Code is not to be scrutinized as if the Court were sitting in appeal over the subjective satisfaction of the Executive Magistrate. It is also significant that notices were duly issued by the DCP-cum-Executive Magistrate to both sides, including the petitioners, calling upon them to appear and furnish bonds. The petitioners, instead of availing the said remedy and placing their version before the competent authority, chose not to participate in the proceedings and have directly invoked the inherent jurisdiction of this Court. Preventive proceedings cannot be thwarted merely on the ground that one of the parties disputes the factual foundation, particularly when an efficacious statutory remedy of appearance and explanation before the Executive Magistrate is available. The argument that the proceedings were initiated to harass the petitioners or to give undue advantage to the private respondents is not borne out from the record. Mere existence of a civil or personal dispute between neighbours does not preclude the police or the Executive Magistrate from exercising preventive jurisdiction if there is a reasonable apprehension of breach of peace. The proceedings under Section 107 of the Code are a measure of social defence and are meant to nip potential conflicts in the bud.

9. In view of the above discussion, this Court finds no patent illegality, perversity or abuse of process warranting interference by this Court. The petitioners have an adequate remedy to appear before the

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competent authority and place their defence in accordance with law. Consequently, the present petition is devoid of merit and is accordingly dismissed.

04.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No