



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

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CRM-M-42225-2025(O&M)

Date of decision: 25.05.2026

Manish Gupta

...Petitioner(s)

VERSUS

State of U.T. Chandigarh

...Respondent(s)

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

Present :- Mr. Mayank Bajaj, Advocate for the petitioner.

Mr. Prateek Rathee, Addl.PP for U.T. Chandigarh
(through V.C).

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for seeking quashing of FIR No.314 dated 11.10.2020 registered under Sections 188, 269, 270, 323, 506, 34 of the Indian Penal Code, 1860 and Rules 4 & 5 of the Noise Pollution (Regulation & Control) Rules, 2000 at Police Station Sector-39, U.T. Chandigarh along with all consequential proceedings arising therefrom.

2. Learned counsel appearing on behalf of the petitioner contends that the abovesaid FIR has been registered on the complaint of one Mahabir Singh, wherein he alleged that an information had been received through wireless from PCR that there was noise pollution in House No.2391, Sector 38-C, Chandigarh and that when he, along with his colleagues, reached at the spot, a party was going on and music was playing. About 80 to 100 people were present at the party, and no one was wearing a mask, nor were they maintaining the social distancing protocols then prescribed. They were holding a party in their small house without permission, and the orders of the

District Magistrate were not obtained. It was further recorded that the District Magistrate had already issued a clear order that people could gather only in condolence of a death or marriage ceremony. But a birthday party was being celebrated, and the said occasion did not fall within the said domain. The petitioner-Manish Gupta, also informed that it was his son's birthday and that he could not present any permission at the spot for organizing the party or playing music. During the said period, a boy came from the party, approached the ASI and informed him that one Sarwan Singla, along with his companions Chetan Munjal, Kanu Sharma, Rinku from Dadu Majra, Peeta Talwandi, had given beatings to him, and he received minor injuries. It was based on the said claim that the above-mentioned FIR had been registered.

3. On completion of the investigation, the final report was filed.
4. Learned counsel appearing on behalf of the petitioner contends that the present FIR, along with all consequential proceedings, is liable to be quashed for the following reasons:-

- i That even though the respondent/UT had set up a case that about 80-100 people were present at the spot and social distancing norms were not followed, however, at the stage of filing of the final report, only 12 people were charge-sheeted, and out of the said 12 persons, 04 were domestic helps. He contends that on the said ground itself the FIR deserves to be quashed.
- ii That so far as the issue of Sections 269 and 270 of IPC is concerned, the fact remains that despite completion of the investigation, no medical evidence was obtained. The entire material collected by the

police does not prima facie indicate whether the petitioner or any other members of the family were suffering from any infection/disease, or whether it was further spread on account of the said party. In the absence of medical evidence, the prime ingredients for commission of offence under Section 269 and 270 IPC would not be made out.

5. In the above-said regard, counsel for the petitioner further refers to the judgment of this Court dated 27.07.2022 passed in CRM-M-19407-2022 titled ***“Sidak Singh Sandhu Vs. U.T. Chandigarh and another”***. The relevant extract reads thus:

“9. It is further contended that once a non-cognizable offence is reiterated along with cognizable offence, the matter has to be tried as a cognizable offence. There is however no denial of the fact that the medical examination of the petitioner had not been conducted by the investigating agency despite registration of the case and that there is no evidence available on the record on the basis whereof it may be prima facie opined that the petitioner was suffering from any infectious disease or that by his act he has caused spreading of infectious disease dangerous to life.

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11. The final report upon conclusion of investigation has been appended along with present petition as Annexure P-8. As per the aforesaid report, there is no evidence to suggest that the petitioner was medically examined after his arrest in order to ascertain that he was suffering from any infectious disease. It is also evident that even the information received by the petitioner under the Right to Information Act, 2005 appended along with this petition as Annexure P-7 has not been disputed or denied. It is thus evident that there was no basis for the prosecution to ascertain as to whether the petitioner was suffering from any

communicable/infectious disease or not. Besides, the reply does not make any reference to establish as to how the factum of the order dated 20.03.2020 was made known to public at large. It shall also be significant to refer to the relevant provisions under which the present case has been registered. The same are reproduced as under:-

Section 188 IPC. *Disobedience to order duly promulgated by public servant. Whoever, 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 person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.*

Explanation. *It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.*

Illustration *An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.*

Section 269 IPC. *Negligent act likely to spread infection of disease dangerous to life. Whoever unlawfully or negligently*

does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Section 270 IPC. *Malignant act likely to spread infection of disease dangerous to life. Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.*

Section 195 CrPC. *Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.*

(1) No Court shall take cognizance

*(a)(i) 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, or 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 to whom he is administratively subordinate;

(b)(i) of any offence punishable under any of the following sections of the Indian Penal Code (45 of 1860) namely, sections 193 to 196 (both inclusive), 199, 200, 205 to 211 (both inclusive) and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, or

(ii) of any offence described in section 463, or punishable under section 471, section 475 or section 476, of the said Code, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court, or

(iii)of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub- clause (ii), except on the complaint in writing of that Court, or of some other Court to which that Court is subordinate.

(2)Where a complaint has been made by a public servant under clause (a) of sub- section (1) any authority to which he is administratively subordinate may order the withdrawal of the complaint and send a copy of such order to the Court; and upon its receipt by the Court, no further proceedings shall be taken on the complaint: Provided that no such withdrawal shall be ordered if the trial in the Court of first instance has been concluded.

(3)In clause (b) of sub-section (1), the term" Court" means a Civil, Revenue or Criminal Court, and includes a tribunal constituted by or under a Central, Provincial or State Act if declared by that Act to be a Court for the purposes of this section.

(4)For the purposes of clause (b) of sub-section (1), a Court shall be deemed to be subordinate to the Court to which appeals ordinarily lie from the appealable decrees or sentences of such former Court, or in the case of a Civil Court from whose decrees no appeal ordinarily lies, to the principal Court having ordinary original civil jurisdiction within whose local jurisdiction such Civil Court in situate: Provided that-

(a)where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be deemed to be subordinate:

(b)where appeals lie to a Civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the Civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed.”

6. Learned counsel for the petitioner further contends that a

Division Bench of this Court, in its judgment in the matter of “*Court on its own motion (In re: Designated Courts for MP’s/MLA’s Vs. State of Punjab and others)*” reported as **2024 LiveLaw (PH) 308** took note of the large number of cases that had been initiated during the period of COVID-19 pandemic and initially stayed all proceedings in matters registered for offences under Section 188, 269, 270 of the Indian Penal Code, 1860 read with Section 3 of the Epidemic Diseases Act, 1897 and Section 51 of the Disaster Management Act, 2005. He further contends that the Division Bench eventually directed that the FIRs registered during the said period be quashed. It is further argued that the offence under Section 323 IPC that has been added in the present FIR has no bearing on any proceedings that took place within the house. It was an independent cause of action with which the petitioner had no concern.

7. Reply dated 24.05.2026 by way of an affidavit of Dhiraj Kumar, DANIPS, SDPO/South West, has been filed on behalf of the respondent/U.T. Chandigarh today in the Court. The same is taken on record.

8. Learned Additional Public Prosecutor appearing on behalf of U.T. Chandigarh does not dispute the aforesaid arguments advanced on behalf of the petitioner.

9. I have heard counsel for the parties and have gone through the document appended along with the present petition.

10. Taking into consideration the undisputed facts and non-denial of the specific arguments advanced by counsel for the petitioner, as well as the applicability of the judgment dated 27.07.2022, passed in the matter of

Sidak Singh Sandhu Vs. U.T. Chandigarh and another (supra) as well as the judgment passed by the Division of this Court in “***Court on its own motion (In re: Designated Courts for MP’s/MLA’s Vs. State of Punjab and others)***” (*supra*), I deem it appropriate to allow the present petition.

11. Accordingly, the FIR No.314 dated 11.10.2020 registered under Sections 188, 269, 270, 323, 506, 34 of the Indian Penal Code, 1860 and Rules 4 & 5 of the Noise Pollution (Regulation & Control) Rules, 2000 at Police Station Sector-39, U.T. Chandigarh, along with all consequential proceedings arising therefrom, is hereby quashed.

12. Petition is ***allowed*** in the above terms.

13. Pending application(s), if any, shall stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

25.05.2026

Sumit Gusain

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