



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

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CRM-M-45908-2019 (O&M)
Date of decision: 15.01.2026

Darshan Singh Rathore

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Pankaj Chandgothia, Advocate for the petitioner

Ms. Gagandeep Kaur, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing of FIR No.0068 dated 29.05.2019, registered under Section 188 IPC at Police Station Mataur, SAS Nagar, Punjab.

2. Learned counsel for the petitioner relies on the judgment passed by this Court in **Sandeep Gandotra vs. U.T. Chandigarh**, CRM-M-7045-2019, decided on 26.09.2019, against which SLP-11414-2020 was filed by the UT Chandigarh, also stands dismissed vide order dated 09.05.2023, to contend that an FIR under Section 188 IPC cannot be lodged by the police, as it has been prescribed by Section 195 Cr.P.C. that a complaint has to be filed by the concerned public servant before the Court concerned. Relevant para whereof reads thus:

“Similar matter was before this Court in **Jagtar Singh vs. Union Territory, Chandigarh**, 1996(1) RCR 669, wherein this Court observed as under:-

“These facts are not disputed. Language of



Section 195 (1) of the Code does not leave scope for any ambiguity and is the section which has to be construed strictly. In accordance with the settled principles of interpretation applicable to criminal jurisprudence the provisions of Criminal Procedure Code or Penal Laws have to be strictly construed so as to be given meaning except what is intended by the Legislature in the language used itself. The relevant portion of Section is that, “No Court shall take cognizance except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate.” The intention appears to be clear that where an offence is committed under Section 188 Indian Penal Code, the Legislature has made it obligatory that the public servant before whom such an offence is committed, he will file a complaint to the Magistrate and the cognizance of the offence by the concerned Court is dependent upon the complaint in writing by such officer or an officer superior to such officer.”

3. The present case having been registered by the police and not on a complaint submitted by a public servant, is liable to be quashed, as held in **Sandeep Gandotra** (supra), which, learned State counsel, despite best efforts, was unable to controvert or draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.

4. Resultantly, the present petition is allowed and FIR No.0068 dated 29.05.2019, registered under Section 188 IPC at Police Station Mataur, SAS Nagar, Punjab, is hereby quashed.

(AMAN CHAUDHARY)
JUDGE

15.01.2026
M.Kamra

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