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

CWP-23772-2023 (O&M)

Date of Decision: 09.04.2026

HARSH PATHANIA AND OTHERS**... PETITIONERS****Versus****STATE OF PUNJAB AND OTHERS****... RESPONDENTS**

**CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. Ramnish Puri, Advocate (arguing counsel)
for the petitioners.

Mr. Vipin Pal Yadav, Addl. Advocate General, Punjab.

Mr. Jasraj Singh, Advocate for respondent Nos. 2 and 3.

SANJIV BERRY, J.

1. The petitioner has preferred the instant writ petition under Article 226/227 of the Constitution of India seeking writ in the nature of certiorari for setting aside the impugned order dated 11.04.2022 (Annexure P-10) and 06.06.2023 (Annexure P-11) passed by Punjab State Human Rights Commission in Complaint No. 670/7/2022-WC dated 24.11.2021 and all consequential proceedings arising therefrom.

2. It is *inter alia* the contention of learned counsel for the petitioners that the respondent No.8 had filed a false and frivolous complaint No. 496 dated 07.09.2021(Annexure P-3) against the petitioners before SSP, Hosharpur, which



was duly inquired into by Senior Police officers and after taking the legal opinion, the same was filed.

2.1 Respondent No.8 then filed a criminal complaint in the Court of Additional Chief Judicial Magistrate, Hoshiarpur dated 24.12.2021 (Annexure P-6) which too was dismissed for want of prosecution vide order dated 12.04.2023 (Annexure P-7).

2.2 Respondent No. 8, by concealing the above stated facts filed a complaint before the National Human Rights Commission as well as Punjab State Human Rights Commission. However vide order dated 26.04.2023 (Annexure P-8) National Human Rights Commission dismissed the complaint and closed the matter, while the parallel complaint dated 26.11.2021 (Annexure P-9) moved before the Punjab State Human Rights Commission was continued by her, wherein the impugned orders dated 11.04.2022 (Annexure P-10) and 06.06.2023 (Annexure P-11) were passed sending the complaint of respondent No.8 to SSP, SAS Nagar and seeking his report on the plea that she had raised doubts on the report submitted by SSP Hoshiarpur, which is manifestly wrong and beyond jurisdiction.

2.3 He contends that the Commission had no jurisdiction to call for another report from SSP, SAS Nagar, after detailed inquiry had already been conducted by Senior Gazetted Officer, at the insistence of SSP Hoshiarpur, who had submitted the report stating that the allegations levelled in the complaint dated 07.09.2021 (Annexure P-3) could not be proved. Hence prayer is made for quashing of the impugned orders.

3. *Per contra* learned counsel appearing on behalf of the Punjab State Human Rights Commission has assailed these arguments by submitting that the Commission had acted well within its jurisdiction and committed no infirmity in



passing the impugned orders. He has categorically stated that the passing of the order dated 26.04.2023 (Annexure P-8) by National Human Rights Commission was never brought to the notice of the State Commission by the complainant.

4. Learned State counsel has submitted that on the complaint dated 07.09.2021 (Annexure P-3) moved by respondent No.8, SSP Hoshiarpur-respondent No.5 had got conducted thorough inquiry into the allegations and after obtaining legal opinion had filed the complaint, since the allegations as levelled therein could not be proved.

5. After considering the rival contentions and going through the record, it transpires that respondent No.8 (hereinafter referred to as complainant) had preferred the complaint dated 07.09.2021 (Annexure P-3) to respondent No.5 SSP Hoshiarpur seeking legal action against petitioner No.1 and his family members, i.e. petitioners No.2 to 4, for breaking the marriage fraudulently and committing rape on the pretext of marriage. The inquiry into the matter was conducted by DSP PBI, Crime Against Women and Children, Hoshiarpur-respondent No.6. Upon which legal opinion was sought from District Attorney, (Legal) Hoshiarpur, who opined that no action is required to be taken therein due to lack of evidence.

5.1. The perusal of record reveals that the complainant had thereafter filed a criminal complaint dated 24.12.2021 (Annexure P-6) in the Court of Additional Chief Judicial Magistrate, Hoshiarpur, which, however, was dismissed for want of prosecution vide order dated 12.04.2023 (Annexure P-7).

5.2. The perusal of Annexure P-8 further reveals that similar complaint was also preferred by the complainant on 24.11.2021 before National Human Rights Commission, which vide order dated 26.04.2023 had closed the case by observing that no legal action was deemed appropriate based on the allegations



levelled, and that the complainant is at liberty to file the protest petition before the concerned Court.

5.3 From the record, it also transpires that a complaint No. 676/7/2020-WC was filed before the Punjab State Human Rights Commission, Chandigarh by the complainant vide Annexure P-9 dated 26.11.2021, wherein the order dated 06.06.2023(Annexure P-13) was passed observing that the report from SSP Hoshiarpur had been received, wherein it was stated that the allegations leveled in the complaint could not be proved and since none appeared on behalf of the complainant, as such, it was disposed of. However, on the same date itself, order dated 06.06.2023 (Annexure P-11) was passed on the appearance of the complainant and her raising objections qua aforesaid report received from SSP Hoshiarpur accordingly vide order dated 06.06.2023 (Annexure P-11) the complaint was restored and on the insistence of the complainant the Commission directed the SSP, SAS Nagar to inquire into the complaint.

5.4 The learned counsel for the petitioners has placed on record Annexure P1/A, judgment passed in Sessions case by the Fast Track Special Court, Chandigarh dated 05.09.2023 to submit that the complainant is in the habit of levelling false allegations, as in that case also similar allegations were levelled against another person, who was acquitted by the Court.

6. Considering all the record available on the file, it is observed that the complainant had raised the grievance by filing the complaint dated 07.09.2021 (Annexure P-3) before SSP Hoshiarpur which was duly inquired into by Senior Gazetted Officer and was ultimately filed for lack of evidence after obtaining legal opinion.

6.1 On the complaint moved by her before Punjab State Human Rights Commission, the Commission called for the report from the SSP Hoshiarpur,



who submitted the report to the fact that the allegations levelled in the complaint could not be proved, which fact is evident from the order dated 06.06.2023 (Annexure P-13). Once the complaint dated 07.09.2021 (Annexure P-3) was duly inquired into, there was no occasion for the Commission to have sent the same to SSP, SAS Nagar, to re-inquire the same simply at the insistence of the complainant, who was not satisfied with the report of SSP Hoshiarpur. The factum that the complainant had filed a private complaint on the same allegations before Additional Chief Judicial Magistrate, Hoshiarpur dated 24.12.2021 (Annexure P- 6) which too was dismissed vide order dated 12.04.2023 (Annexure P-7), and also another complaint to National Human Rights Commission which was also dismissed vide order dated 26.04.2023 (Annexure P-8), appears to have been concealed by the complainant and not brought to the notice of the Punjab State Human Rights Commission. Moreover, it transpires from the complaint moved by the complainant dated 26.11.2021 (Annexure P-9) to respondent No.2, the Punjab State Human Rights Commission that she had sought action on her complaint dated 07.09.2021 (Annexure P-3) already moved to SSP, Hoshiarpur and had never sought any indulgence from SSP, SAS Nagar, therein.

6.2 Once the complaint containing the same allegations moved by the complainant before the National Human Rights Commission, already stood dismissed vide order dated 26.04.2023 (Annexure P-8), there was no occasion for the Punjab State Human Rights Commission to continue with the said complaint (Annexure P-9) on the same allegations and further calling for report from SSP, SAS Nagar, especially when SSP, Hoshiarpur, after a detailed inquiry had already reported that the allegations levelled in the complaint could not be proved for lack of evidence and there had not been any averments in the



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complaint (Annexure P-9) moved by the complainant to the Commission seeking any action on the part of SSP Hoshiarpur.

7. In view of the above, it is observed that the respondent No.2 exceeded its jurisdiction in passing the impugned orders dated 11.04.2022 (Annexure P-10) and 06.06.2023 (Annexure P-11). As a consequent, the impugned orders dated 11.04.2022 (Annexure P-10) and 06.06.2023 (Annexure P-11) passed by the Punjab State Human Rights Commission, Chandigarh, are hereby set-aside by issuance of writ of certiorari.

7.1 The complainant, if so desires can seek restitution of the private complaint dismissed vide order dated 24.12.2021 (Annexure P-6) in accordance with law, if so permissible

8. Accordingly the writ petition stands disposed of.

9. Pending application(s) if any, stands disposed of.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 09.04.2026

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No