

2026:PHHC:017315



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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CRM-M-48721-2019 (O&M)

Date of Decision: 04.02.2026

HEAD CONST. BADSHAH

... Petitioner

VERSUS

RAJBIR KAUR

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. J.S. Thakur, Advocate
for the petitioner.

H.S. GREWAL, J. (ORAL)

CRM-35623-2019

Allowed as prayed for.

MAIN CASE

The petitioner has filed the present petition under Section 482 of Cr.P.C. seeking quashing of order dated 17.09.2019 passed by the learned Revisional Court/Addl. Sessions Judge, Jalandhar in CRR No.396 of 2017, whereby the Revision filed by the respondent against the order dated 14.07.2017 passed by the learned JMIC, Jalandhar in a complaint No.COMI-31963-2013 has been accepted and all the consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that the respondent (complainant) Rajbir Kaur had filed a criminal complaint against the petitioner stating therein that she is residing in the house of one Rajinder Dhanoa alongwith her sisters Kamalpreet and Jaspal Kaur. On 26.10.2012 at about 08:30 AM, one unknown person entered the bathroom of the house of the complainant, due to

which she got frightened and called her cousins from the neighbourhood. Upon their arrival, the intruder was apprehended by them and one letter in this regard was given to the Panchayat of the village. Upon intimation sent by the Panchayat, Head Constable Badshah (petitioner herein) went to the house of the complainant and called Jaspal Kaur- sister of the respondent and started asking her vulgar questions. He also levelled false allegations regarding the person caught by them to be having an illicit relationship with respondent (complainant) respondent Rajbir Kaur. Moreover, when Rajbir Kaur went inside her room, the petitioner tried to outrage her modesty. Upon resistance, he used filthy, vulgar and unparliamentary language towards the respondent (complainant) and continued pressurizing her to develop physical relations with him.

3. The respondent-complainant moved a private complaint before the trial Court against the petitioner, wherein the petitioner was summoned to face trial. However, after leading the pre-charge evidence by the complainant (respondent herein), the Court did not find sufficient evidence to frame charges against the petitioner and vide order dated 14.07.2017, the petitioner was discharged.

4. Aggrieved of the order dated 14.07.2017, the complainant preferred a Revision Petition before the Court of learned Addl. Sessions Judge, Jalandhar, who vide the impugned order/judgment dated 17.09.2019 accepted the Revision Petition and reversed/set aside the order dated 14.07.2017 passed by the trial Court. Hence, this petition.

5. Notice of motion in the present case was ordered to be issued on 12.03.2020, however despite repeated adjournments, the same could not be issued due to non-filing of process fee. However, keeping in view the order

which this Court proposes to pass, the service of notice upon the respondent (complainant) is hereby dispensed with.

6. I have heard the learned counsel for the petitioner and have gone through the documents and other material available on record.

7. In the case in hand, it has come on record that the complainant (respondent herein) has supported her case before the trial Court by way of leading preliminary evidence, based upon which, the petitioner was summoned to face trial. A perusal of the impugned order dated 17.09.2019 shows that the learned Addl. Sessions Judge, Jalandhar has given detailed reasons for setting aside the order dated 14.07.2017 passed by the trial Court and has directed the trial Court to pass the order on framing of charge afresh after hearing the parties and going through the evidence and documents produced by the parties on record. Moreover, the petitioner will be given full opportunity to take up all his pleas before the trial Court and to cross-examine the witnesses of the complainant side.

8. In light of the above, this Court does not find any infirmity or illegality in the impugned order dated 17.09.2017 and hence, there is no ground to interfere with the same and the same is hereby upheld.

9. Petition stands dismissed accordingly.

10. Other misc. application(s), if any, also stand(s) disposed of accordingly.

FEBRUARY 04, 2026.

Rajender

**(H.S. GREWAL)
JUDGE**

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