



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

CRM-M-57162-2023

Date of Decision:06.04.2026

Balwant Singh

...Petitioner

Vs.

State of Punjab and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. B.S Jattana, Advocate
for the petitioner.

Mr. M.S Bajwa, DAG, Punjab.

Ms. Samanpreet Kaur, Legal Aid Counsel
for respondent No.2.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C with a prayer to quash the criminal complaint i.e. COMI-105 of 2022, dated 16.07.2015/29.10.2022 under Sections 376-D, 323 and 452 of the Indian Penal Code, 1860 pending in the Court of JMIC, Phul, and summoning order dated 14.07.2022 (Annexure P-2) passed by learned Additional Sessions Judge, Bathinda, whereby petitioner along with other co-accused has been summoned for offence under Sections 323, 452, 506, 34 of the IPC and all other subsequent proceedings arising out therefrom.

2. In the criminal complaint (Annexure P-1), the petitioner has been arrayed as accused No.6. The relevant extract of the said complaint has been reproduced below:-

“That on 05.07.2015 at about 08:30 Clock at night I was making food at my house and my son Jaspreet Singh was studying while



sitting then in the meantime accused Ashok Singh, Jony Singh, Malkit Singh, Balwant Singh who were under the influence of liquor. The gate of our house was closed, was not locked, they opened and forcefully entered into my house, they entered into my room and said to my son to go out, if raised alarms then we will kill you and throw in the canal. My son Jaspreet Singh went out of the room and stayed in the court yard. He has not raised alarm due to fear and kept weeping. I came out of the room and went to my son, then accused Ashok Singh and Malkit Singh dragged me into the room where Ashok Singh said that if you raised alarms then we will throw you in the canal after killing. Malkit Singh held me and Ashok Kumar bit on my checks and arms. Then Jony Singh and Balwant Singh also entered, I have not raised alarms due to fear. Jony Singh and Ashok Singh have forcefully removed my shirt. Malkit Singh has tied my arms with scarf. Then Malkit Singh opened my 'Salwar and removed my 'Salwar' and then first Ashok Singh and thereafter, Malkit Singh and thereafter, Balwant Singh and thereafter Jony Singh all the accused raped me turn by turn and while raping Ashok Singh and Balwant Singh bit my breast and then all the four accused gave threats that if disclosed to anyone regarding this occurrence or complains to police then we will kill you. My condition becomes serious. After leaving accused, my son entered into room and on seeing my condition he called our neighbour Baljit Kaur wife of Nikka Singh resident of Gandhi Nagar, Rampura Phul. She came and on seeing my condition asked my son to take me to hospital. Then my son and my neighbour took me outside to bring me to Hospital on motorcycle. Then wife of Malkit Singh, Gurmeet Kaur was standing outside who badly abused me and gave a brick bat on my head from back side while I was going on motorcycle, which hit upon my head. Thereafter, my son got me admitted at Civil Hospital, Rampura Phul with the help of my neighbour Baljit Kaur. Where doctor sahib given treatment to me and entered my MLR HK/R MP/74/2015 dated 05.07.2015 in which doctor sahib has verified the fact of gang rape committed with me. Police of Police Station City Rampura came in the Hospital to whom I have disclosed all the facts. First they have not recorded my statement



rather they were pressurizing me to enter into compromise with the accused. After getting discharged from hospital I went to police station City Rampura for taking action against accused where I requested SHO Sahib and Balwant Singh ASI to take action against the accused but above mentioned police officials who are accused no.6 & 7, they have not taken any action against accused because they were connived with accused. Rather they threatened me and got out of the police station. By doing this accused no.6 & 7 have failed to perform their duty. So all the accused deserve punishment”.

3. Learned counsel for the petitioner contends that the petitioner, who was working as Assistant Sub Inspector, at Police Station City Rampura, District Bathinda has been wrongly arrayed as an accused in the present case. Even, the Trial Court had completely overlooked the allegations levelled against him as well as the evidence led by the complainant and the petitioner was wrongly summoned in a routine manner. He further contends that even while issuing the summoning order, the Court of Magistrate also found that the major part of the prosecution case was suspicious and false. Consequently, even, when the prosecution case was found to be false, still, the petitioner was mechanically summoned by the Trial Court. Learned counsel further contends that at the relevant time, Manjeet Singh, co-accused was working as SHO, Police Station City Rampura and the petitioner was posted as A.S.I. On 05.07.2015, a quarrel had taken place between the complainant and co-accused and Malkiat Singh and Gurmeet Kaur were admitted in Civil Hospital, Rampura. The hospital authorities informed the police about their admission in the hospital and on this, petitioner went to Civil Hospital, Rampura. However, the medical record was not yet prepared, consequently, the proceedings could not be held on that day



and were postponed for the next day. Learned counsel further submits that on the next day, the petitioner again visited Civil Hospital, Rampura and the complainant made their statement that she had been raped. Even in the meantime, it was decided that a lady police officer should also joined during the process of investigation. Consequently, on 08.07.2017, A.S.I Sarwan Singh went to the Hospital before the Medical Officer for getting the statement of complainant recorded, however, he was informed that she had left hospital against medical advice. Thus, from the above sequence of events, it was established that the police had not been negligent rather, they had performed their duties diligently and in accordance, with law. Further, even the statement of the injured Gurmeet Kaur was recorded, which led to registration of the FIR No.71 dated 09.07.2015, under Sections 452,323,34 of IPC. On the basis of said FIR, the complainant and her son were arrayed as an accused. Thus, it was established that the police had proceeded in the matter as per the settled procedure and there was no negligence on their part.

4. Learned counsel further submits that even the petitioner and other police officials had no concern with the co-accused, with whom the complainant had a fight and they had been falsely involved in the present case, without any justification.

5. On the other hand, learned counsel for the respondents has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had actively connived with the accused and had refused to take any action against them. Thus, the present petition deserves to be dismissed by this Court.

6. I have heard the learned counsel for the parties and with their able



assistance, I have gone through the record carefully.

7. It is not in dispute that Manjeet Singh, SHO, co-accused had filed a petition i.e.CRM-M-23351-2023, titled as “Manjeet Singh Vs.State of Punjab and Anr” for quashing of the present complaint and the summoning order, before this Court. This Court had quashed the criminal complaint qua Manjeet Singh, SHO by making the following observations:-

7.In the present case, the accusations against the petitioner are that he connived with the co-accused and failed to take any action, when he was approached by the complainant, thereby being negligent in his duties. Notably, a perusal of the complaint reveals that it is completely silent and rather no allegations have been levelled against the petitioner of having caused any injury under Section 323 of the IPC or having engaged in house trespass under Section 452 of the IPC. Furthermore, qua commission of an offence under Section 506 of the IPC i.e. criminal intimidation, merely the use of the term ‘threat’ would not suffice by itself to attract the mischief of an offence, under the aforementioned Section.

8.In the context of determining whether the alleged threat falls within the definition of ‘criminal intimidation’ it would be always crucial to focus on the intention of the accused while extending the alleged threats. For attracting the mischief of offence under Section 506 of the IPC, the threat extended by the accused must be made with a specific intent to create fear in the mind of the complainant, thereby compelling that person to either perform an action or refrain from doing something. Simply uttering words without an intention to cause fear would not be enough to invoke the provisions of Section 506 of the IPC.

9.XXXXX

10. Additionally, just because the petitioner has come up with a particular argument that the complaint in question is malicious and meritless, it becomes incumbent upon the Court to consider all the



surrounding circumstances, so as to uncover the core issue.

11. When an accused invokes the inherent powers of this Court under Section 482 Cr.P.C. for quashing of some criminal proceedings or FIR on the ground that it is frivolous or vexatious, the Court is tasked with a crucial duty. The Court must then scrutinize the complaint/FIR with meticulous attention.

12. Once a complainant decides to pursue charges against an accused with an ulterior motive, like for example settling personal scores etc., the complainant ensures that such complaints, which have been filed to wreak vengeance on the accused, are meticulously crafted by including all the necessary legal contentions, so that the essential ingredients required to constitute the offences alleged are made out. Therefore, merely examining the averments made in the complaint would not be sufficient for the Court to determine as to whether the essential ingredients of the alleged offence are present or not. In cases involving frivolous proceedings, the Court is obligated to delve into various contextual factors emerging from the material on record, which may also extend beyond the complaint itself. In the circumstances, if necessary, the Court should carefully and circumspectly attempt to decipher the underlying intention of the complainant behind the filing of the complaint. The Hon'ble Supreme Court in Mahmood Ali & Ors. Versus State of U.P. & Ors. 2023 LiveLaw (SC) 613 has categorically held that while exercising its authority under Section 482 Cr.P.C., the Court is not to limit itself solely to the allegations levelled in the complaint/FIR, but the Court also possesses the authority to consider the overall circumstances leading to the registration of the case and the evidence gathered during investigation.

13. In the present case, it would also be relevant to refer to the zimnis recorded by the police, which have been annexed as Annexures P-6 to P-9, which clearly indicate that the police officials had been visiting the Civil Hospital, Rampura, for getting the statements of the complainant and other injured recorded, on a regular basis.

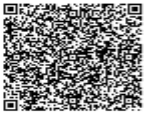


However, it had come to light that the complainant had left the hospital against medical advice, even before her statement could be recorded by the police officials

14.A perusal of Annexure P-12 reveals that the complainant and her son had approached the police officials for joining investigation in FIR No.71 dated 09.07.2015 under Sections 352, 323, 34 of the IPC, Police Station City Rampura, only on 12.08.2015 and that too after they had been granted anticipatory bail by the learned Sessions Court. Additionally, in her statement given to the police on 14.08.2015 (Annexure P-13), the complainant admitted that she had not got her statement recorded anytime earlier, even during her hospitalization at Civil Hospital, Rampura. Except for her bald allegations levelled, there is thus no material on record to even remotely suggest that the petitioner had in any manner colluded with the accused. In fact, the material suggests that it was the complainant herself, who had delayed the recording of her statement. Hence, in the circumstances, this Court has no hesitation to observe that continuation of criminal proceedings would be nothing but an abuse of process of law.

8. From the above referred findings recorded by this Court, it is apparent that in the present case, the police officials had visited Civil Hospital, Rampura repeatedly for getting the statements of complainant and other injured recorded. However, the complainant left the hospital against medical advise, even before her statement could be recorded by the police. Even, there is no material on record, which could even remotely suggest that the petitioner had even colluded with his co-accused. Moreover, the above referred judgment passed by this Court also shows that the petitioner is at par with Manjeet Singh, co-accused and even the petition qua him deserves to be allowed by this Court.

9. As a consequence of above discussion, the present petition is



allowed by this Court and the criminal complaint i.e. COMI-105 of 2022 dated 16.07.2015/29.10.2022 under Sections 376-D, 323 and 452 of the Indian Penal Code, 1860 pending in the Court of J.M.I.C, Phul, and summoning order dated 14.07.2022 (Annexure P-2) passed by learned Additional Sessions Judge, Bathinda and all other subsequent proceedings arising out therefrom are set aside qua the petitioner only.

06.04.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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