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

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CRM-M-12700-2022 (O&M)

Date of decision : 14.07.2026

Sachin Thakran and others

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present:- Mr. Munish Kumar Garg, Advocate and
Ms. Bhawna Thakur, Advocate
Mr. Yuwan Singla, Advocate for the petitioners.

Mr. Vipul Sherwal, AAG, Haryana.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.71 dated 16.05.2021, registered under Sections 160, 188 IPC and Section 51 of the Disaster Management Act, 2005, at Police Station Rozka Meo, District Nuh (Annexure P-1) and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioners submits that the registration of the impugned FIR is grossly disproportionate to the alleged offence and is barred under Section 195(1)(a) of Cr.P.C. In the present case, there is no written complaint by the District Magistrate as contemplated under Section 195 Cr.P.C. against the petitioner nor any such complaint is part of the challan. In support of his submission, he has relied upon the order of the Division Bench of this Court in the case of **Court on its own motion versus State of Punjab and others**, bearing CWP-PIL-29 of 2021 and CWP-PIL-112 of 2023, dated 01.10.2024, to submit that registration of FIRs under Section 188 IPC during



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the COVID-19 pandemic, without compliance of Section 195 Cr.P.C. are illegal and unsustainable.

3. *Per contra*, learned State counsel opposes the present petition and submits that the contention raised by the petitioners regarding non-compliance of Section 195 Cr.P.C. is unsustainable. It is submitted that the alleged defect, if any, pertains to the stage of cognizance and does not invalidate the registration of the FIR or the investigation conducted pursuant thereto. It is further submitted that the FIR *prima facie* discloses the commission of cognizable offences and the petitioners cannot seek quashing of the proceedings solely on the basis of the technical objection raised. Accordingly, it is prayed that the present petition, being devoid of merit, be dismissed.

4. I have heard learned counsel for the parties and perused the material available on record.

5. Admittedly in the present case, there is no written complaint by the District Magistrate or any other authorized public servant, as contemplated under Section 195(1)(a) Cr.P.C., and the prosecution has been initiated solely on the basis of an FIR registered by the police.

6. A bare reading of Section 195(1)(a) Cr.P.C. clearly shows that no Court shall take cognizance of an offence under Section 188 IPC except upon a complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate. In the absence of such a complaint, the proceedings are void *ab initio*.

7. The Hon'ble Supreme Court in the case of ***M.S. Ahlawat vs. State of Haryana***, (2000) 1 SCC 278, has categorically held that the provisions of Section 195 Cr.P.C. are mandatory in nature, and non-compliance thereof



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deprives the Court of jurisdiction to take cognizance of the offence. The relevant extract thereof is reproduced hereunder:-

“Provisions of [Section 195 Cr.P.C.](#) are mandatory and no court has jurisdiction to take cognizance of any of the offences mentioned therein unless there is a complaint in writing as required under that Section. It is settled law that every incorrect or false statement does not make it incumbent upon the court to order prosecution, but to exercise judicial discretion to order prosecution only in the larger interest of the administration of justice.”

7. Further, the Division Bench of this Court, while exercising *suo motu* jurisdiction in the case of **Court on its own motion versus State of Punjab and others**, bearing CWP-PIL-29 of 2021 and CWP-PIL-112 of 2023, dated 01.10.2024, has taken cognizance of the widespread illegal registration of FIRs under Section 188 IPC and the Epidemic Diseases Act during the COVID-19 outbreak and has quashed a large number of such cases across the States of Punjab, Haryana and U.T. Chandigarh. The relevant extract thereof is reproduced hereunder:-

“The High Court being a Constitutional Court is also required to impart complete justice. Section 482 Cr.P.C. empowers the High Court to exercise its jurisdiction to prevent the abuse of the process of law to secure the ends of justice. Similar powers can be exercised under Article 226 of the Constitution of India as well, wherein the jurisdiction of the High Court as a Constitutional Court is wider.

14. The Supreme Court in the case of **Kapil Agarwal and others vs. Sanjay Sharma and others, (2021) 5 SCC 524** has held as under:-

“18.1 As observed and held by this Court in catena of decisions, inherent jurisdiction under [Section 482 Cr.P.C.](#) and/or under [Article 226](#) of the Constitution is designed to achieve salutary purpose that criminal proceedings ought not to be permitted to degenerate into weapon of harassment. When the Court is satisfied that criminal proceedings amount to an abuse of process of law or that it amounts to bringing pressure upon accused, in exercise of inherent powers, such proceedings can be quashed.



18.2 As held by this Court in the case of *Parbatbhai Aahir v. State of Gujarat* (2017) 9 SCC 641, *Section 482 Cr.P.C.* is prefaced with an overriding provision. The statute saves the inherent power of the High Court, as a superior court, to make such orders as are necessary (i) to prevent an abuse of the process of any Court; or (ii) otherwise to secure the ends of justice. Same are the powers with the High Court, when it exercises the powers under *Article 226* of the Constitution.”

15. Further, in the case of *Babita Lila and another vs. Union of India*, (2016) 9 SCC 647, the Supreme Court has laid down as follows:-

“46. That the provisions of Section 195 of the Code are mandatory so much so that non-compliance thereof would vitiate the prosecution and all consequential orders, has been ruled by this Court, amongst others in *C. Muniappan and Others vs. State of Tamil Nadu* (2010) 9 SCC 567 wherein the following observations in *Sachida Nand Singh and Another vs. State of Bihar and Another* (1998) 2 SCC 493 were recorded with approval.

“7.....Section 190 of the Code empowers 'any Magistrate of the First Class' to take cognizance of 'any offence' upon receiving a complaint, or police report or information or upon his own knowledge. Section 195

restricts such general powers of the Magistrate, and the general right of a person to move the court with a complaint is to that extent curtailed. It is a well recognised canon of interpretation that provision curbing the general jurisdiction of the court must normally receive strict interpretation unless the statute or the context requires otherwise.....”. (emphasis supplied).

47. There is thus no escape from the proposition that for a valid complaint under Section 195 of the Code, the mandate thereof has to be essentially abided and as is easily perceivable this is to prevent frivolous, speculative and unscrupulous allegations relating to judicial proceedings in any court, lest the process of law is abused and public time is wasted in avoidable litigation.”

16. This Court in *Shubham vs. State of Haryana*, 2022 SCC OnLine P&H 4072 has held as under:-

“19. Adverting to the period of Covid-19 pandemic, indubitably the untiring efforts of the administration, its officials, police personnel, medics and paramedics etc. are laudable, to say the least. But for the imposition of restrictions, in larger public interest, the grave situation that was emerging, would have inevitably caused much more havoc in the lives of people, than it actually did, the surge of the cases of infection having been thereby contained, which was the need of the hour. Be that as it may, the proceedings for the alleged violations committed of the administrative orders, are required to be examined in terms of the procedural requirement of the provisions and the law laid down.



20. *It is trite law that the non-compliance of the established procedure as envisaged under Section 195 Cr.P.C. is an incurable defect. In the present case the police having registered the FIR for the offence under Section 188 IPC, being explicitly hit by the aforesaid provision, has rendered the proceedings void-ab-initio."*

17. *It is apt to notice that investigations in some of these cases are still underway while other matters have been sent for trial. A large number of these cases are clogging the judicial system, which is already under strain due to huge backlog. It would be expedient and in the interest of justice if the cases, which have been registered under Section 188 IPC, by the police and not by the authorized officer, are quashed by this Court.*

18. *The Supreme Court has also passed several directions in the interest of public in cases inter alia pertaining to extending the period of limitation during Covid-19 Pandemic in **Re: Cognizance for extension of limitation, (2020) 9 SCC 468.**"*

8. In view of the above, the present petition is allowed and FIR No.71 dated 16.05.2021, registered under Sections 160, 188 IPC and Section 51 of the Disaster Management Act, 2005, at Police Station Rozka Meo, District Nuh and all other consequential proceedings arising therefrom are hereby quashed qua the petitioners.

9. Pending application(s) shall stand disposed of accordingly.

July 14, 2026
Sonia

(H.S.GREWAL)
JUDGE

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