

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

(130)

CRM-M-28879-2022 (O&M)
Date of Decision: **04.08.2026**

SANJEEV GOYAL

... Petitioner

Versus

STATE OF PUNJAB AND ORS

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Virender Kumar, Advocate for the petitioner.

Ms. Navreet Kaur, Asstt. AG, Punjab.

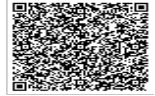
Mr. Mandeep Singh, Advocate for respondent No.3.

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VIRINDER AGGARWAL, J. (Oral)

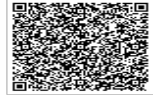
1. The present petition has been instituted under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of the Kalandra (Annexure P-6) instituted under Section 182 of the Indian Penal Code, 1860, at Police Station Vigilance Bureau, Punjab, along with all consequential and subsequent proceedings arising therefrom, in the interest of justice.

2. Briefly stated, the petitioner applied for renewal of his passport on 16.03.2019, whereupon respondent No.3, Constable Mandeep Singh, being the Passport Verifying Officer, allegedly demanded ₹10,000/- as illegal gratification for furnishing a favourable verification report. Upon the petitioner's refusal, an adverse report was allegedly submitted, compelling him to lodge a complaint with the Vigilance Bureau on 06.04.2019. Subsequently, upon fresh verification by another police



official, the petitioner's passport was duly renewed. The petitioner alleges that thereafter he was repeatedly summoned and pressurised by the Vigilance officials to withdraw his complaint and was ultimately compelled to furnish a statement expressing no grievance against respondent No.3. Consequent thereto, proceedings by way of the impugned Kalandra under Section 182 IPC were initiated against the petitioner.

3. Learned counsel for the petitioner contends that the impugned Kalandra is ex facie not maintainable in view of the statutory bar contained in Section 195 of the Code of Criminal Procedure, 1973. It is submitted that Section 195 Cr.P.C. expressly mandates that no Court shall take cognizance of an offence punishable under Section 182 IPC except upon a complaint in writing made by the public servant concerned or by another public servant to whom such public servant is administratively subordinate. Learned counsel submits that, in the present case, the original complaint was addressed to the Senior Superintendent of Police, Vigilance Bureau, S.A.S. Nagar, Mohali, whereas the impugned Kalandra under Section 182 IPC has been instituted by the Deputy Superintendent of Police, Vigilance Bureau, S.A.S. Nagar, Mohali, who is admittedly subordinate to the Senior Superintendent of Police. It is, therefore, contended that the mandatory requirement of Section 195 Cr.P.C. has not been complied with, rendering the very institution of the Kalandra without jurisdiction and liable to be quashed in exercise of the inherent powers of this Court.

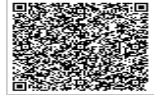


4. Per contra, learned State counsel, assisted by learned counsel appearing on behalf of respondent No.3, has vehemently opposed the present petition. It is contended that the impugned Kalandra has been validly instituted in strict conformity with the provisions of law and does not suffer from any legal infirmity warranting interference by this Court in exercise of its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973. It is further submitted that the proceedings have been initiated by the competent authority upon due consideration of the material available on record and that the petitioner has failed to make out any case for quashing the impugned proceedings. Accordingly, it is prayed that the present petition, being devoid of merit, be dismissed.

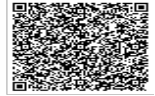
5. I have heard learned counsel for the parties at considerable length and have meticulously perused the paper book and the material placed on record with their able assistance.

6. It is an admitted position that the complaint, on the basis whereof the impugned proceedings have been initiated, was submitted by the petitioner to the Senior Superintendent of Police, Vigilance Bureau, S.A.S. Nagar, Mohali. It is equally undisputed that the impugned Kalandra under Section 182 of the Indian Penal Code has been instituted by the Deputy Superintendent of Police, Vigilance Bureau, S.A.S. Nagar, Mohali. In the aforesaid backdrop, it becomes necessary to examine the scope and ambit of the statutory bar engrafted under Section 195 of the Code of Criminal Procedure, 1973, which reads as under:-

195. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.



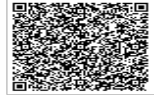
- (1) No Court shall take cognizance—
 - (a)
 - (i) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code (45 of 1860),
or
 - (ii) of any abetment of, or attempt to commit, such offence,
or
 - (iii) of any criminal conspiracy to commit such offence, except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate;
 - (b)
 - (i) of any offence punishable under any of the following sections of the Indian Penal Code (45 of 1860), namely, sections 193 to 196 (both inclusive), 199, 200, 205 to 211 (both inclusive) and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, or
 - (ii) of any offence described in section 463, or punishable under section 471, section 475 or section 476, of the said Code, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court, or
 - (iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii), except on the complaint in writing of that Court, or by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate.
- (2) Where a complaint has been made by a public servant under clause (a) of sub-section (1), any authority to



which he is administratively subordinate may order the withdrawal of the complaint and send a copy of such order to the Court; and upon its receipt by the Court, no further proceedings shall be taken on the complaint: Provided that no such withdrawal shall be ordered if the trial in the Court of first instance has been concluded.

- (3) In clause (b) of sub-section (1), the term "Court" means a Civil, Revenue or Criminal Court, and includes a tribunal constituted by or under a Central, Provincial or State Act if declared by that Act to be a Court for the purposes of this section.
- (4) For the purposes of clause (b) of sub-section (1), a Court shall be deemed to be subordinate to the Court to which appeals ordinarily lie from the appealable decrees or sentences of such former Court, or, in the case of a Civil Court from whose decrees no appeal ordinarily lies, to the principal Court having ordinary original civil jurisdiction within whose local jurisdiction such Civil Court is situate: Provided that—
 - (a) where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be deemed to be subordinate;
 - (b) where appeals lie to a Civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the Civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed.

7. A plain reading of Section 195(1)(a) of the Code of Criminal Procedure, 1973 makes it abundantly clear that no Court can take



cognizance of an offence punishable under Section 182 of the Indian Penal Code except upon a complaint in writing made by the public servant concerned or by another public servant to whom such public servant is administratively subordinate. The provision is mandatory in nature and strikes at the very jurisdiction of the Court to take cognizance in the absence of strict compliance therewith.

7.1. In the present case, the original complaint was admittedly addressed to the Senior Superintendent of Police, Vigilance Bureau, S.A.S. Nagar, Mohali, whereas the impugned Kalandra under Section 182 IPC has been instituted by the Deputy Superintendent of Police, Vigilance Bureau, S.A.S. Nagar, Mohali, who is admittedly subordinate to the Senior Superintendent of Police. Thus, the complaint has neither been instituted by the public servant concerned nor by any public servant to whom the said officer is administratively subordinate, as contemplated under Section 195 Cr.P.C. Consequently, the very institution of the Kalandra suffers from a fundamental jurisdictional defect, rendering the cognizance taken by the learned Trial Court unsustainable in the eyes of law.

7.2. Accordingly, cognizance upon the impugned Kalandra under Section 182 of the Indian Penal Code (Annexure P-6) alongwith all consequential proceedings arising therefrom, being vitiated by non-compliance with the mandatory provisions of Section 195 of the Code of Criminal Procedure, 1973, are hereby quashed and petition is allowed.

8. In view of the final adjudication of the present petition, all pending miscellaneous applications, if any, arising out of or ancillary thereto, shall also stand disposed of. The adjudication of the principal lis



has rendered all such interlocutory proceedings infructuous and, consequently, no separate or further orders are called for in respect thereof.

04.08.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No