



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28852 of 2021(O&M)

Reserved on: 08.04.2026

Pronounced on: 27.04.2026

Uploaded on: 27.04.2026

Mandeep Singh

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Suvir Sidhu, Advocate
Mr. Gursher Singh Dhillon, Advocate and
Mr. Naman Gumber, Advocate for the petitioner.
Mr. Vikas Bhardwaj, AAG Haryana.
Mr. Ajay Singh Ghangas, Advocate
for respondent No.2.

SHALINI SINGH NAGPAL, JUDGE

1. Prayer in the petition under Section 482 of the Code of Criminal Procedure, 1973 is for quashing of order dated 09.07.2021 passed by learned Additional Sessions Judge, Panipat and all subsequent proceedings arising therefrom.
2. A complaint under Section 376, 420, 506 IPC was filed by respondent No.2/complainant for registration of case and for investigation under Section 156(3) Cr.P.C.. Learned Judicial Magistrate Ist Class, Panipat called for report from the police station concerned, heard learned counsel for the complainant and vide order dated 10.12.2020 declined the prayer for registration of case under Section 156(3) Cr.P.C. observing that it would be appropriate to direct the complainant to lead preliminary evidence as it was not a fit case to be sent to police station for registration of FIR. The case was posted for preliminary evidence of the complainant.



3. A criminal revision was filed before learned Additional Sessions Judge, Panipat, challenging order dated 10.12.2020 of learned Judicial Magistrate Ist Class, Panipat. Learned Additional Sessions Judge, Panipat, relying upon the dictum of the Apex Court in ***Lalita Kumari versus Government of U.P. (2014) 2 SCC (1)*** set aside the order of learned Judicial Magistrate Ist Class, Panipat and directed learned Judicial Magistrate Ist Class, Panipat to send the complaint under Section 156(3) Cr.P.C. for registration of FIR and for investigation.

4. The facts as narrated in the complaint:

The complainant alleged that in the year 2019 she connected with the accused through TIK-TOK. Thereafter, they started calling each other on phone. Accused told her that he was an unmarried army man posted in Roorkee, sent her pictures in uniform and expressed desire to meet her. In the year 2019, on the occasion of Diwali, he came on 10 days leave and called the complainant to Panipat Bus stand from where he took her to the office of his friend on his Bullet motor cycle where he promised to marry her. They remained in the office for about 2 hours after which accused dropped her at Bus Stand Panipat and went home. Thereafter, they started talking to each other day and night and accused-petitioner promised to marry her very soon. 2-3 days after Diwali, accused again came to Panipat, took her to the office of his friend where he kissed her and assured that he would marry her when he came on leave again. After that he went back on duty but continued to talk to her regularly day and night. In February 2020, accused came on leave on the occasion of Holi and assured the complainant that he would talk to his parents about their marriage. He also took his cousin sister



on conference, who too assured that accused would marry her. On 29.02.2020, he repeatedly asked the complainant to meet him in Panipat. She reached Bus Stand Panipat on 01.03.2020 at 9:30 a.m. from where he took her to Skylark Hotel, Panipat, on the pretext of talking comfortably. On his false assurance, complainant went to Room No. 108 in Skylark Hotel, Panipat, where he offered her eatables after consuming which she became semi conscious. Accused then laid her on the bed and removed her clothes saying that they would be married in sometime and would remain together the whole life. He then had sexual intercourse with her twice by giving false promise of marriage. Thereafter, he took photographs with her and after about 3 hours, dropped her and left for his home. He again called the complainant on her mobile phone and when she asked him to talk to his parents for marriage, he assured that he would marry her soon.

5. Complainant further alleged that she made telephone calls to the accused for two days and again asked him to talk to his parents for marriage, but he avoided the matter. On 03.03.2020, accused asked her to meet him at Panipat and when she refused, he threatened to post her pictures on facebook and ruin her life. She refused to meet him. The next day i.e. 04.03.2020, accused told her that he had spoken to his father, who did not agree for their marriage and had consumed poison. He also sent two pictures of his father admitted in hospital. After that, he stopped taking her phone calls. Complainant then narrated the whole story to her brother namely Rahul @ Alisher and her mother. On 07.03.2020, she along with her brother and mother reached village of the accused where they met the Sarpanch and narrated the story to him. Husband of the Sarpanch informed that accused



was already married and had three children. The accused was also called and he admitted her version. Husband of the Sarpanch noted the entire incident in his Diary and sent them back with the assurance that justice would be delivered. On 13.03.2020, husband of the Sarpanch called the complainant to his village. Complainant alongwith her brother and mother reached the house, where a quarrel occurred. Husband of the Sarpanch asked the complainant not to move any complaint and assured her that he would marry her. He also took their signatures on blank letter pad and sent them back. They were asked to come again on 22.03.2020. He also prepared a *Panchayati Rajinama*.

6. It is further alleged that After lock-down was over on 10.06.2020, a telephonic call was received from husband of Sarpanch, who called her to the village. Complainant alongwith her brother reached the house of the Sarpanch where a quarrel again occurred. Her signatures and of her brother were taken on blank papers and they were asked to again come on 16.06.2020. On 15.06.2020, a telephonic call was received from husband of the Sarpanch, who asked the complainant to come to the village on 16.06.2020. Complainant along with her brother reached the house of the Sarpanch where several persons were sitting. They were asked to wait. Saravjit Singh son of Baldev Singh asked her brother to count currency notes and to give the same to two persons, who were sitting with him. Brother of the complainant started counting currency notes. In the meanwhile, Sarpanch reached alongwith the police and involved them in a false criminal case, vide FIR No. 122 dated 16.06.2020, under Sections 383, 389, 120-B, 34 IPC, Police Station Sadar, Tohana. All of them were sent to



jail. Complainant, her brother and mother were released on bail on 23.06.2020. On 30.06.2020, complainant went to Police Station City Panipat and moved a complaint to SHO Police Station City Panipat but no action was taken. She also approached S.P. Panipat, but to no avail. On 13.09.2020, accused Mandeep alongwith husband of Sarpanch of the village, his brother namely Shyama and 15-20 persons came in 4-5 vehicles to the house of the Advocate of the complainant where Mandeep admitted his guilt, which was captured in a video from a spy camera. He requested complainant and her mother to compromise the matter but she refused. Accused threatened the complainant in case she dared to initiate proceedings against him. The matter was again reported to police but no action was taken.

7. Learned counsel for the petitioner submits that order dated 10.12.2020 of learned Judicial Magistrate Ist Class, Panipat declining prayer for registration of FIR under Section 156(3) Cr.P.C. and for treating the case as a private complaint was correctly passed. Learned Judicial Magistrate Ist Class, Panipat duly considered the report received from the police station which disclosed that the complaint was filed in the police station as well and during investigation, it was found that Mandeep son of Meghna got registered FIR No. 122 dated 16.06.2020 under Sections 384, 389, 120-B and 34 Indian Penal Code, Police Station Sadar Tohana, District Fatehabad against the complainant, her mother and others for blackmailing and extorting money. In that case, Kiran, Anaro Devi and Rahul @ Alisher were arrested and challan was presented in the Court. The complaint moved after about 04 months was filed. It was urged that learned Additional Sessions Judge, Panipat, erroneously placed reliance upon *Lalita Kumar Vs.*



Government of U.P. (2014)2 SCC(1) without considering that it was a case of abnormal delay and the complaint was instituted after 07 days of release of the complainant in the extortion case. The complainant was caught red handed at spot, accepting extortion money of ₹6.5 lacs and registration of the FIR against her was a material circumstance, which learned Additional Sessions Judge, Panipat, did not consider. The observation in the impugned order that the complainant could not be expected to collect and produce documents i.e. call details, videography and photographs etc. was also incorrect inasmuch as complainant's own stand was that a lady police official had deleted all the photographs and data from her mobile phone. No reasons were disclosed for the delay in lodging complaint, which was only a counter blast of the FIR. Order of learned Additional Sessions Judge, Panipat directing registration of FIR, thus, deserves to be set aside.

8. Learned State counsel, Mr. Vikas Bhardwaj, AAG Haryana and learned counsel for respondent No. 2 supported the order of learned Additional Sessions Judge, Panipat submitting that direction for registration of FIR was rightly passed in view of the allegations in the complaint that petitioner, who was already married had induced complainant to sexual intercourse on false promise of marriage by withholding the marital status. Even report of the police did not say that the case was false. Respondent No. 2 had taken the matter to *Gram Panchayat, village Kullan, Block Tohana, District Fatehabad*. Since petitioner was married, the *Gram Panchayat* made petitioner realise his mistake and imposed fine of ₹6,51,000/-, which, in the first instance, was to be paid to *Sarpanch* and thereafter, was to be given to family of the girl. Petitioner admitted his guilt in a video prepared from spy



camera on record as Annexure C-18. Learned Additional Sessions Judge, Panipat, after duly considering all relevant facts and circumstances of the case, passed the impugned order as per law and no interference by this Court was warranted.

9. Against this, learned counsel for the petitioner referred to judgment of this Court in *CRM-M-12329-2018* titled *M/s Sujan Multiports Ltd. Vs. State of Haryana and Others* decided on 12.03.2019, judgment of Madras High Court in *Crl.R.C. (MD) Nos. 646, 647, 648, 650, 651 and 652 of 2022 and Crl. R.C.(MD) Nos. 657 to 661 of 2022* titled *GTL Infrastructure Ltd. represented by its Authorised Signatory, Muthuvenkatakrishnan Vs. The Inspector of Police, Vadipatti Police Station, Madurai District, Tamil Nadu-625 218* decided on 28.08.2022 and judgment of High Court of Jammu and Kashmir at Jammu in *CRM(M)259-2019* titled *Satpal Sharma Vs. Pawan Singh Rathore, Ex. Vice Chairman JDA*, decided on *17.12.2020*, arguing that the order passed under Section 156(3) Cr.P.C. was interlocutory in nature, therefore, not amenable to challenge in a criminal revision in view of the bar contained in Section 397(3) Cr.P.C. and when the revision petition itself was not maintainable, impugned order deserved to be set aside. It was further canvassed that learned Magistrate had absolute discretion in the matter and it was not mandatory that in every case, where a complaint was filed under Section 200 Cr.P.C., the Magistrate should direct the police to investigate the crime. In this context, reference was made to *Om Prakash Ambadkar Vs. State of Maharashtra (SC) 2025 SCC Online SC 238*.



10. Learned State counsel assisted by learned counsel for respondent No. 2 relied upon judgment of Bombay High Court in *Avinash Trimbarakrao Dhongage Vs. State of Maharashtra Through Police Station Officer, Shivajinagar, Nanded 2015(38) RCR (Criminal) 32*, judgment of Delhi High Court in *Nishu Wadhwa Vs. Siddharth Wadhwa and Another 2017(1) RCR (Criminal) 704*, judgment passed by Co-ordinate Bench of this Court in *Jaswinder Singh and Anothers Vs. Sukhwinder Singh Bhatia and Others 2022 PHHC 114982*, *Santhakumari and Others Vs. State of Tamil Nadu and Another 2023 Live Law (SC) 465* and judgment of Allahabad High Court in *Jagannath Verma and Others Vs. State of U.P. and Another 2015(1) Law Herald (SC) 385* to support the submission that an order of a Magistrate allowing or rejecting an application under Section 156(3) Cr.P.C. for registration of a case by the police and for investigation was not an interlocutory order and the order was amenable to remedy of revision petition under Section 397 Cr.P.C.

11. In *Amarnath and Others Vs. State of Haryana and Others AIR 1977 (SC) 215*, while elaborating on the term interlocutory order, Hon'ble Apex Court observed as under:

"6. The main question which falls for determination in this appeal is as to, the what is the connotation of the term "interlocutory order" as appearing in sub-section (2) of Section 397 which bars any revision of such an order by the High Court. The term "interlocutory order" is a term of well-known legal significance and does not present any serious diffident. It has been used in various statutes including the Code of Civil



Procedure, Letters Patent of the High Courts and other like statutes. In Webster's New World Dictionary "interlocutory" has been defined as an order other than final decision. Decided cases have laid down that interlocutory orders to be appealable must be those which decide 'the rights and liabilities of the parties concerning a particular aspect. It seems to, us that the term "interlocutory order" in Section 397(2) of the 1973 Code has been used in a restricted sense and not in any broad or artistic sense. It merely denotes orders of a purely interim or temporary nature which do not decide or touch the important rights, or the liabilities of the parties. Any order which substantially affects the right of the accused, or decides certain rights of the parties cannot be said to be an interlocutory order so as to bar a revision to the High Court against that order, because that would be against the very object which formed the basis for insertion of this particular provision in Section 397 of the 1973 Code. Thus, for instance, orders summoning witnesses, adjourning cases, passing orders for bail, calling for reports and such other steps in aid of the pending proceeding, may no doubt amount to interlocutory orders against which no revision would lie under Section 397(2) of the 1973 Code. But orders which are matters of moment and which affect or adjudicate the rights of the accused or a particular aspect of the trial cannot be said to be interlocutory order so as to be



outside the purview of the revisional jurisdiction of the High Court.”

12. A similar issue was considered by a Bench of Allahabad High Court in ***Jagannath Verma and Others Vs. State of U.P.(supra)*** which came to the following conclusion:

“(i)

(ii) An order of the magistrate rejecting an application under Section 156(3) of the Code for registration of a case by the police and for investigation is not an interlocutory order. Such an order is amenable to the remedy of a criminal revision under Section 397; and

(iii) In proceedings in revision under Section 397, the prospective accused or, as the case may be, the person who is suspected of having committed the crime is entitled to an opportunity of being heard before a decision is taken in the criminal revision.”

13. In ***Nishu Wadhwa Vs. Siddharth Wadhwa and Another(supra)*** as well, the High Court of Delhi considered the maintainability of revision petition under Section 397 Cr.P.C. against an order of Magistrate under Section 156(3) Cr.P.C. directing the police to register an FIR, when it was held as under:

“11. The Division Bench of Bombay High Court in the decision reported as 2015 SCC OnLine Bom 5197: 2016 ALLMR (Cri) 985 Avinash and Ors. v. The State of Maharashtra and Ors held that the order passed directing police to investigate under



Section 156(3) of the Code is not an interlocutory order, but in the nature of a final order terminating the proceedings under Section 156 (3) of the Code which would be revisable under the revisional powers of the Sessions Court or the High Court.

12. It is trite law that once directions are passed by the learned Magistrate under [Section 156\(3\) Cr.P.C.](#) directing registration of FIR he becomes functus-officio. [See (2016) SCConline Del 5490 M/s. Gabrani Infrastructure Pvt. Ltd. Vs. M/s. Unitech Hi-Tech Developers Limited & Ors and MANU/GJ/7486/2007 Randhirsinh Dipsinh Parmar vs. State of Gujarat & Ors.]. Thus, disposing of an application under [Section 156\(3\) Cr.P.C.](#) amounts to adjudication of a valuable right whether in favour of accused or the complainant.

13. The issue that since the accused has not been summoned as an accused and has no right to file a revision petition is alien, while deciding an application under [Section 156\(3\) Cr.P.C.](#) The said issue crops up when the Magistrate entertains the complaint and on taking cognizance proceeds as a complaint case. In case directions are issued for registration of FIR immediately, on registration of FIR, the person against whom allegations are made in the FIR attains the status of an accused. His rights in so far as the Police can summon him for investigation, arrest him without warrants for allegations of cognizable offences are duly affected. In a situation where the fundamental right of freedom and liberty of a person is affected,



it cannot be held that he has no right to be heard at that stage. Thus to hold that since directions only have been issued under Section 156(3) Cr.P.C. and no cognizance has been taken thus no revision would lie would be an erroneous reading of the decisions of the Supreme Court. Therefore, an order dismissing or allowing an application under Section 156 (3) Cr.P.C. is not an interlocutory order and a revision petition against the same is maintainable.”

14. A Co-ordinate Bench of this Court in ***Jaswinder Singh and Others Vs. Sukhwinder Singh Bhatia and Others (supra)*** while dealing with a petition under Section 482 Cr.P.C. for quashing of an order passed by the Revisional Court vide which order passed by learned Additional Chief Judicial Magistrate under Section 156(3) Cr.P.C. was set aside, observed as under:

“Since in the present case, the Magistrate has dismissed the application filed by the petitioners under Section 156 (3). Thus, it cannot be said that it is an interlocutory order and thus the revision petition will be barred under Section 397 (2) Cr.P.C.”

15. The argument of learned petitioner counsel that revision petition against order of learned Judicial Magistrate Ist Class, Panipat was not maintainable, the order being interlocutory in nature is, therefore, repelled.

16. Section 156(3) Cr.P.C. reads thus:

“(i) Any officer-in-charge of a police station may, without the order of a Magistrate, investigate any cognisable case which a Court having jurisdiction over the local area within the limits of



such station would have power to inquire into or try under the provisions of Chapter XIII.

(ii) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(iii) Any Magistrate empowered under section 190 may order such an investigation as above mentioned.”

17. Resort to Section 156(3) Cr.P.C. is made when the police refuses to register a first information report. The complainant, thereafter, can invoke the jurisdiction of the Court for police investigation under Section 156(3) Cr.P.C. Whether or not, the order for registration of FIR and police investigation is to be made under Section 156(3) Cr.P.C. or the case is to be treated as a private complaint by calling upon the complainant to lead preliminary evidence, is entirely within the discretion of the concerned Magistrate. Whenever any application is filed by the complainant before the court of learned JMIC under Section 156(3) Cr.P.C, the duty of the concerned Magistrate is to apply his mind to adjudge whether the case is fit one to order police investigation.

In ***Om Prakash Ambadkar Vs. The State of Maharashtra (supra)*** Hon'ble Supreme Court has ruled that a Magistrate should pass orders under Section 156(3) Cr.P.C. only he is satisfied that the information reveals commission of a cognizable offence and also about the necessity of police investigation for digging out of evidence wherein neither is in possession of the complainant nor can be procured without the assistance of



the police. It was further observed that it is not necessary that in every case, where a complaint has been filed under Section 200 Cr.P.C., the Magistrate should direct the police to investigate the crime. It was further observed that the Magistrate ought to direct investigation by the police only where the assistance of the Investigating Agency is necessary and the Court feels that the cause of justice is likely to suffer in the absence of investigation by the police.

18. Thus, law does not enjoin the Magistrate to mechanically direct investigation by the police, without examining whether investigation by the State machinery is actually necessitated in the facts and circumstances of each individual case. Usually, such orders are passed if the allegations made in the complaint require complex and complicated investigation which cannot be undertaken without active assistance and expertise of the State machinery. A judicious approach is required while considering an application seeking registration of FIR and investigation by the police under Section 156(3) Cr.P.C.

19. In the case in hand, the complaint under Sections 376, 420, 506 IPC was filed on 19.11.2020, alleging that the petitioner connected with the complainant through 'TikTok' in the year 2019 and had sexual intercourse with her on the promise of marriage in room No. 108, Skylark Hotel, Panipat on 01.03.2020. The complaint was filed after a delay of 09 months. *Lalita Kumari's case(supra)*, which learned Additional Sessions Judge, Panipat, relied upon while directing learned JMIC, Panipat to send the complaint under Section 156(3) Cr.P.C. for registration of FIR, no doubt envisages mandatory registration of FIR, if the information discloses commission of a



cognizable offence, but makes an exception, where there is an abnormal delay/latches in criminal prosecution without satisfactorily explaining the reasons for delay.

20. Before passing the order, treating the case as a private complaint, learned Magistrate called for a report from the police station concerned and after considering the fact that there was already FIR No. 122 dated 16.06.2020 under Sections 383, 389, 120-B, 34 IPC, Police Station Sadar, Tohana registered against the complainant for extortion, opined that it was not a fit case to be sent to the police station for registration of the FIR. Learned Additional Sessions Judge, Panipat, erroneously construing the dictum of Apex Court in *Lalita Kumari's case(supra)*, without even considering the report of the police station, wrongly proceeded on the premise that in the case relating to a cognizable offence, complainant could not be expected to collect and produce evidence in the form of call details, photographs, videography, although, it was complainant's own stand that a lady police official had snatched her mobile phone and deleted the photographs, videography and whatsapp chats with the accused. The 09 months delay in seeking registration of FIR was completely overlooked. Since the complainant was in possession of complete details of the accused and no complex or scientific investigation was required, the procedure of complaint case ought to have been adopted, in the backdrop of the fact that there was an extortion case registered against the complainant, who was stated to be caught red handed by the police, accepting extortion money of ₹6.5 lacs. Complainant too did not dispute the factum of registration of the FIR against her. Her stand was also that her brother was counting currency



notes when the police officials conducted raid and involved them in the case, though, she claimed that the money was in respect of an agreement of land to be executed by husband of the *Sarpanch*.

21. Police investigation would be required only in a case of a nature where it is not possible for the private complaint to collect evidence and where complicated investigation is required. The powers under Section 156(3) Cr.P.C. directing registration of FIR and police investigation are required to be used sparingly, only to avoid miscarriage of justice. In every complaint, where such a prayer is made for police investigation and registration of FIR, it is not incumbent for the Magistrate to direct registration of the FIR. Order of learned Additional Sessions Judge, Panipat dated 10.12.2020 being against law, is liable to be quashed.

22. The petition is allowed. Order of learned Judicial Magistrate Ist Class, Panipat dated 10.12.2020 is maintained and order of learned Additional Sessions Judge, Panipat dated 09.07.2021 along with all subsequent proceedings arising therefrom is set aside. Learned JMJC, Panipat shall proceed further in the matter, in accordance with law.

23. Pending CRM(s), if any, are also disposed of accordingly.

24. Nothing observed hereinabove shall be construed as an opinion on merits of the case.

(SHALINI SINGH NAGPAL)
JUDGE

27.04.2026

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No