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

**CRM-M-18846-2025**

Date of Decision:- 22.09.2025

**ANJU**

...Petitioner

Vs.

**STATE OF HARYANA**

...Respondent

**CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Ms. Kushaldeep Kaur, Advocate and Ms. Sharvi Dadhwal,  
Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

**AMARJOT BHATTI, J.**

1. Petitioner Anju filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of impugned order dated 03.02.2025 (Annexure P-13) passed by learned Additional Sessions Judge, Sonapat upholding impugned order dated 01.04.2024 (Annexure P-11) passed by Sub-Divisional Judicial Magistrate, Ganaur vide which protest petition filed by petitioner was declined which was already converted into a private complaint vide order dated 07.11.2022 (Annexure P-7) with the prayer to proceed with the said complaint or any other direction which the Court may deem fit in the given facts and circumstances of the case.

2. Learned counsel for petitioner argued that petitioner is the



complainant in FIR No.42 dated 19.01.2022 under Sections 323, 34, 354, 498A, 406 and 506 of IPC, Police Station Ganaur, District Sonipat (Annexure P-2) which was registered on the basis of complaint addressed to Deputy Superintendent of Police, Ganaur (Annexure P-1). The Investigating Agency was duty bound to present final report within the statutory period of 60 days, but no action was taken in this direction. Consequently, petitioner filed application 175 (3) Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 156 (3) Cr.P.C.) in which status report was called for. Status report dated 01.06.2022 is Annexure P-3. Perusal of report revealed that Section 354-B IPC was not made out. Other accused named in the FIR were kept in column No.12. Challan was presented on 11.07.2022 which is Annexure P-5 and the order passed by Sub-Divisional Judicial Magistrate, Ganaur dated 11.07.2022 is Annexure P-4. Petitioner filed protest petition dated 02.08.2022 (Annexure P-6). Said protest petition was treated like a complaint case vide order dated 07.11.2022 (Annexure P-7). Statements of witnesses were recorded vide Annexures P-8 and P-9. Arguments on summoning were also heard and finally the protest petition was dismissed vide order dated 01.04.2024 (Annexure P-11). Without considering the aforesaid factual position, criminal revision preferred against the said order was also declined vide impugned order dated 03.02.2025 (Annexure P-13). Once the protest petition was treated like a complaint case there was no occasion to dismiss the same on the presentation of challan (Annexure P-5). Trial Court was duty bound to dispose of said protest petition on merits. Therefore, impugned order dated 03.02.2025 (Annexure P-13) passed by



Additional Sessions Judge, Fast Track Court, Sonipat upholding impugned order dated 01.04.2024 (Annexure P-11) passed by Sub-Divisional Judicial Magistrate, Ganaur is liable to be set aside by accepting present petition and the trial Court may be directed to decide protest petition on merits.

3. Learned counsel representing State of Haryana has confirmed the aforesaid factual position.

4. I have considered the arguments and have gone through the record carefully. Entire case is based on documents. Petitioner filed complaint addressed to Deputy Superintendent of Police, Ganaur (Annexure P-1) on the basis of which FIR No.42 dated 19.01.2022 was registered under Sections 323, 34, 354, 498A, 406 and 506 of IPC, Police Station Ganaur, District Sonipat (Annexure P-2). It is not disputed that petitioner filed application under Section 156 (3) Cr.P.C. in which Sub-Divisional Judicial Magistrate, Ganaur called for status report which is dated 01.06.2022 (Annexure P-3). In the said status report, it was observed that no offence under Section 354-B of IPC is made out. Accordingly, challan was presented only against Sandeep and other accused Roshan Lal, Sukhbiri, Rita, Pooja Manish and Vivek have been kept in Column No.12 (Annexure P-5). The protest petition filed by the petitioner is Annexure P-6 and the order passed by the trial Court dated 07.11.2022 is Annexure P-7 vide which protest petition was treated like a complaint case. It is matter of record that statement of Anju CW1 and Naresh CW2 were recorded and the case was adjourned for arguments on summoning. At this stage, protest petition was declined by Sub-Divisional Judicial Magistrate, Ganaur vide order dated 01.04.2024



(Annexure P-11) wherein it was observed that protest petition was filed on the basis of status report submitted by police on 01.06.2022 and not on challan presented under Section 173 Cr.P.C. Since protest petition could have been filed on completion of investigation, therefore, protest petition was declined being not sustainable in the eyes of law. Furthermore, in criminal revision aforesaid factual position was confirmed and the order passed by learned Sub-Divisional Judicial Magistrate, Ganaur dated 01.04.2024 (Annexure P-11) was upheld.

5. I have considered the aforesaid factual position. There is no doubt about it that on completion of investigation, challan was presented in the case in hand. Investigating agency did not present cancellation report. After investigation, Investigating agency observed that no offence under Section 354-B and 34 of IPC was made out. Other accused except Sandeep were found to be innocent and accordingly kept in column No.12 of the challan report. Protest petition filed on the basis of status report was treated like a complaint case and finally at the time of its adjudication it was observed that same was not sustainable in the eyes of law having been filed on the basis of status report.

6. It is not the case that petitioner is without remedy. On presentation of challan, trial Court on the basis of record, available on the file is at liberty to proceed under the provision of Section 210 Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 190 Cr.P.C.) Even at the time of framing of chargesheet, the trial Court can look into the matter as to what offences are made out on the basis of statements of witnesses and other



record collected during investigation. Finally petitioner has another remedy to proceed under the provisions of Section 358 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 319 Cr.P.C.). Learned Additional Sessions Judge while disposing of the criminal revision has considered all the aspects of the case, therefore, I do not find any reason to interfere in the impugned order dated 03.02.2025 (Annexure P-13) passed by learned Additional Sessions Judge, Sonipat and the same is accordingly upheld and the petition filed by the petitioner is accordingly, declined.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

**(AMARJOT BHATTI)**  
**JUDGE**

22.09.2025  
snd

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