



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**Cr.MMO No.317 of 2023
Date of Decision: 07.08.2026**

Anil Soni

..... Petitioner

Versus

Parveen Kumar Saini and Ors.

....Respondents

Coram

**Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?**

For the Petitioner: Mr. K.B. Khajuria, Advocate.

For the Respondents: Mr. Navneen K. Bhardwaj, Advocate, for
respondent No.1.

None for respondents No.2 to 5.

Sandeep Sharma, J. (Oral)

By way of the instant petition filed under Section 482 of Cr.P.C, prayer has been made on behalf of the petitioner for quashing of Complaint No.65 of 2013, titled as ***Parveen Kumar Saini Vs. Rakesh Kathuria & Ors.*** filed at the behest of respondent No.1 under Sections 501, 502 and 120-B of Indian Penal Code as well as order dated 03.03.2023, whereby learned Judicial Magistrate First Class, Kangra, District Kangra, Himachal Pradesh, after having framed charge, proceeded to fix the matter for recording the statement of complainant witnesses.

2. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record by respective parties are that respondent No.1-complainant, (hereinafter '**complainant**'), filed a complaint under Sections 501, 502, and 120-B of Indian Penal Code in the Court of Judicial Magistrate First Class, Kangra, District Kangra, Himachal Pradesh (*available at page No.32 of the paper book*) against the petitioner and three other persons, namely, Anil Saini, Mulkh Raj, Purshottam Dass Saini, and Dr. Sunil Saini, alleging therein that accused No. 3 to 5, Mulkh Raj, Purshotam Dass Saini, and Dr. Sunil Saini, who are residents of Gram Panchayat Sadarpur, were inimical to him, and as such, had always tried to implicate him in false cases. He alleged that the aforesaid persons were in the habit of filing false applications and levelling false allegations against him before the concerned authorities. He further alleged that after his having been elected as Pradhan of Gram Panchayat Sadarpur, aforesaid three persons have started making baseless allegations against him. He alleged that accused No. 3, Shri Mulkh Raj, had contested election for the post of Pradhan, Gram Panchayat Sadarpur, against him, but he lost the election, and thereafter, preferred an election petition against him, which is pending adjudication in the Court of learned Sub-Divisional Officer (Civil) Kangra, HP. He alleged that since he was appointed as a Home Guard in

the year 1987 and continues to be so at present, he after having obtained No Objection Certificate from Commandant Home Guards 9/8 Battalion Dharamshala, proceeded to contest the election for the post of Pradhan, Gram Panchayat. Complainant alleged that, on 13.09.2011, accused No. 3 to 5, namely, Mulkh Raj, Purshottam Dass Saini and Dr. Sunil Saini, held a press conference with accused No. 1, i.e. respondent No.2, who, at the relevant time, was working as a press correspondent with the daily newspaper *Divya Himachal*, and levelled baseless allegations that the complainant was a Home Guard and, as such, was not eligible to hold the post of Pradhan, Gram Panchayat Sadarpur. He alleged that accused No.1 i.e. respondent No.2, leveled false allegations against him that he had committed fraud by holding two posts simultaneously. He also alleged that in the evening hours of 13.09.11, he was called by accused No. 1 i.e. respondent No.2 and was asked to clarify the matter. He stated in the complaint that he had handed over No Objection Certificate issued by the Commandant Home Guards 9/8 Battalion Dharamshala, wherein it was clearly stated that concerned authorities had no objection if the complainant contests the election of Gram Panchayat. He alleged that even after his having given aforesaid clarification, accused No.1-respondent No.2, in connivance with accused No. 2 to 5, i.e. petitioner and respondents No.3 to 5, published an article in daily newspaper "*Divya Himachal*

Parkashan Private Limited" dated 14.09.2011 in the sub-part "Kangra Plus", page No. 13, with titled as "Sadarpur Pradhan Home Guard Ka Jawan" and also printed the photo of one cartoon in the published news item. He alleged that publication was made intentionally to harm his reputation, as a result thereof, huge damage was caused to his reputation. He alleged that accused named in the complaint including accused No. 1 and 2, who at relevant time were the press correspondent and editor of *Divya Himachal Parkashan Private Limited*, without verifying the truthfulness of the allegations or examining the legal aspects involved, blindly published the aforesaid news article. He also alleged that accused No. 3 to 5, were having good relations with the other co-accused, and had deliberately caused the aforesaid news item to be published with the intention of defaming the complainant. He alleged that though he had served legal notice dated 21.09.2011 upon all accused persons including petitioner, thereby calling upon them to tender an apology, but till date no reply to the same had been received. He also stated in the complaint that on 29.09.2011 accused No. 1 and 2, Rakesh Kathuria and petitioner, published the news article in the newspaper *Divya Himachal* with the heading "Home Guard Pradhan Ko Clean Chit". He alleged that no affidavit was given by the complainant regarding averments made in the news item, and as such, accused No.1 and 2 had no authority to issue clean chit to the complainant. He alleged

that, being a respectable person with due regard for the law, he had been defamed on account of the publication of the aforesaid news items. He further alleged that his reputation had been lowered in the estimation of his friends, relatives, and other members of the public, who, after reading the said news items, approached him and told him that he had lost his reputation in their estimation and they no longer consider him to be a good person.

3. After filing of aforesaid complaint, Court concerned recorded the preliminary evidence of the complainant as well as his two witnesses, namely, Mani Ram and Ajay Chaudhary. Person namely Mani Ram, who, while deposing as CW-2, virtually reiterated the stance of the complainant as came to be put forth in the complaint, which was further substantiated by way of statement made by the complainant Praveen Kumar on oath before Court concerned. Third person namely Ajay Chaudhary, while deposing as CW-3, stated that he had issued legal notices to all the accused on the instructions of the complainant, Praveen Kumar, but till date no reply thereto had been received.

4. On the basis of preliminary evidence led on record by the complainant, Court below issued process against the accused including the petitioner. Court below thereafter proceeded to frame charge against

petitioner. Subsequently, vide order dated 03.03.2023, court below proceeded to frame charge against all the accused including petitioner (Annexure P-5) under Sections 501, 502, and 120-B IPC. However, before the afore case could be concluded before Court below, petitioner has approached this Court in the instant proceedings, praying therein to quash the complaint as well as order, thereby framing charge.

5. Vide order 17.08.2023, Co-ordinate Bench of this Court, taking cognizance of averments contained in Cr.M.P. No.1113 of 2023, stayed the further proceedings pending in the Court of learned Judicial Magistrate First Class Court No. 2, Kangra, District Kangra, HP, in case No. 65/2013, as a result thereof, case has not proceeded further after framing of charge. It is also apt to take note of the fact that criminal prosecution initiated on the basis of complaint filed by the complainant, Praveen Kumar Saini, as detailed herein above, against one of the accused, namely, Mr. Sunil Saini, accused No. 2, already stands quashed by a Coordinate Bench of this Court vide judgment dated 09.08.2016 passed in Criminal Revision No. 313 of 2015. In aforesaid proceedings, Hon'ble Court held that order passed by the learned Magistrate had been passed in hot haste and in a mechanical manner, without any application of the legal principles to the material available on record. Similarly, order dated 31.05.2012 passed in

aforesaid complaint, whereby Purshotam Dass Saini and Sunil Saini were summoned under Sections 501 and 120-B IPC was also set aside by the learned Sessions Judge, Kangra at Dharamshala, District Kangra, Himachal Pradesh in Criminal Revision No. 15-K/X/14. Both the court orders, as detailed herein above, have attained finality, as a result thereof, complaint sought to be quashed in the instant proceedings along with consequent proceedings pending against both the accused named hereinabove, stand quashed.

6. Learned counsel representing the petitioner states that since learned Sessions Judge, Kangra at Dharamshala, District Kangra, HP and Co-ordinate Bench of this Court in Criminal Revision No.313 of 2015, has already held that trial court has committed illegality by taking cognizance against the accused, namely, Purshotam Das Saini and Dr.Sunil Saini, prosecution of the petitioner herein also cannot be sustained in the eye of law and as such, the prayer made on his behalf for quashing of the complaint as well as the consequent proceedings arising therefrom deserves to be accepted.

7. Precisely, the case of the petitioner, as has been highlighted in petition and further canvassed by Sh. K.B. Khajuria, learned counsel representing the petitioner, is that no case much less case under Sections

501 & 120-B IPC is made out against the petitioner, for the reason that it is admitted case of the complainant that it was Mulkh Raj, i.e. the defeated candidate in Panchayat election, who held a press conference and informed the press correspondent that the elected Pradhan was a Home Guard, and he had misled the Government, concealed material facts and got himself elected. While making this Court peruse news items, which are claimed to be defamatory by the complainant, Mr. Khajuria submitted that same were published on the basis of information given by Mulkh Raj and while doing so, petitioner had also published the version of complainant, who claimed that he contested the election of Pradhan Gram Panchayat after obtaining permission from the Commandant, Home Guard. Mr. Khajuria further submitted that once it is not in dispute that facts, as were published in the news item, which is subject matter of the complaint, were true and published on the basis of information shared by Mulkh Raj, coupled with the fact that subsequently petitioner published separate article in the newspaper, thereby clarifying that on account of permission granted by the Commandant Home Guard, complainant Praveen Kumar could contest election of Pradhan Panchayat, no complaint under aforesaid provision of law can be said to be maintainable against the petitioner.

8. To the contrary, Mr. Naveen K. Bhardwaj, learned counsel for the complainant, while refuting the aforesaid contentions raised at the behest of the petitioner, submitted that once petitioner herein, being a correspondent of daily newspaper *Divya Himachal*, had received clarification from the complainant that he was duly authorized by the Commandant, Home Guards to contest election, there was no occasion for him to publish the news. However, despite his having received such clarification, the petitioner, in connivance with the other accused named in the complaint, deliberately published the false news with the intention of insulting and humiliating the complainant and as such, no illegality can be said to have been committed by the complainant in filing the complaint under Sections 501, 502 & 120-B of Indian Penal Code.

9. I have heard the learned counsel for the parties and gone through the record of the case.

10. Before ascertaining the genuineness and correctness of the submissions and counter-submissions having been made by the learned counsel for the parties vis-à-vis prayer made in the instant petition, this Court deems it necessary to discuss/elaborate the scope and competence of this Court to quash the criminal proceedings while exercising power under Section 482 of Cr.PC (now 528 of BNSS).

11. A three-Judge Bench of the Hon'ble Apex Court in case titled ***State of Karnataka v. L. Muniswamy and others***, 1977 (2) SCC 699, held that High Court while exercising power under Section 482 Cr.PC is entitled to quash the proceedings, if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed.

12. Subsequently, in case titled ***State of Haryana and others v. Bhajan Lal and others***, 1992 Supp (1) SCC 335, the Hon'ble Apex Court, while elaborately discussing the scope and competence of High Court to quash criminal proceedings under Section 482 Cr.PC laid down certain principles governing the jurisdiction of High Court to exercise its power. After passing of aforesaid judgment, issue with regard to exercise of power under Section 482 Cr.PC, again came to be considered by the Hon'ble Apex Court in case bearing Criminal Appeal No.577 of 2017 (arising out of SLP (CrL.) No. 287 of 2017) titled ***Vineet Kumar and Ors. v. State of U.P. and Anr.***, wherein it has been held that saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose i.e. court proceedings ought not be permitted to degenerate into a weapon of harassment or persecution.

13. It is quite apparent from the bare perusal of aforesaid judgments passed by the Hon'ble Apex Court from time to time that where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him/her due to private and personal grudge, High Court while exercising power under Section 482 Cr.PC can proceed to quash the proceedings.

14. Hon'ble Apex Court in case tilted **Anand Kumar Mohatta and Anr. v. State (Government of NCT of Delhi) Department of Home and Anr, AIR 2019 SC 210**, has held that abuse of process caused by FIR stands aggravated if the FIR has taken the form of a charge sheet after investigation and as such, the abuse of law or miscarriage of justice can be rectified by the court while exercising power under Section 482 Cr.PC. The relevant paras of the judgment are as under:

16. Even otherwise it must be remembered that the provision invoked by the accused before the High Court is Section 482 Cr. P.C and that this Court is hearing an appeal from an order under Section 482 of Cr.P.C. Section 482 of Cr.P.C reads as follows:-

"482. Saving of inherent power of the High Court.- Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of

the process of any Court or otherwise to secure the ends of justice.”

17. There is nothing in the words of this Section which restricts the exercise of the power of the Court to prevent the abuse of process of court or miscarriage of justice only to the stage of the FIR. It is settled principle of law that the High court can exercise jurisdiction under Section 482 of Cr.P.C even when the discharge application is pending with the trial court (*G. Sagar Suri and Anr. V. State of U.P. and Others*, (2000) 2 SCC 636 (para 7), *Umesh Kumar v. State of Andhra Pradesh and Anr.* (2013) 10 SCC 591 (para 20). Indeed, it would be a travesty to hold that proceedings initiated against a person can be interfered with at the stage of FIR but not if it has advanced, and the allegations have materialized into a charge sheet. On the contrary it could be said that the abuse of process caused by FIR stands aggravated if the FIR has taken the form of a charge sheet after investigation. The power is undoubtedly conferred to prevent abuse of process of power of any court.”

15. The law relating to quashing of criminal cases was explained by the Hon'ble Supreme Court in ***B.N. John v. State of U.P.*, 2025 SCC OnLine SC 7** as under:-

“7. As far as the quashing of criminal cases is concerned, it is now more or less well settled as regards the principles to be applied by the court. In this regard, one may refer to the decision of this Court in *State of Haryana v. Ch. Bhajan Lal*, 1992 Supp (1) SCC 335, wherein this Court has summarised some of the principles under which FIR/complaints/criminal cases could be quashed in the following words:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to a private and personal grudge.” (emphasis added)

8. Of the aforesaid criteria, clause no. (1), (4) and (6) would be of relevance to us in this case.

In clause (1) it has been mentioned that where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused, then the FIR or the complaint can be quashed.

As per clause (4), where the allegations in the FIR do not constitute a cognizable offence but constitute only a noncognizable offence, no investigation is permitted by a police officer without an order dated by the Magistrate as contemplated under Section 155 (2) of the CrPC, and in such a situation, the FIR can be quashed.

Similarly, as provided under clause (6), if there is an express legal bar engrafted in any of the provisions of the CrPC or the concerned Act under which the criminal proceedings are instituted, such proceedings can be quashed.”

10. This position was reiterated in *Ajay Malik v. State of Uttarakhand*, 2025 SCC OnLine SC 185, wherein it was observed:

“8. It is well established that a High Court, in exercising its extraordinary powers under Section 482 of the CrPC, may issue orders to prevent the abuse of court processes or to secure the ends of justice. These inherent powers are neither controlled nor limited by any other statutory provision. However, given the broad and profound nature of this authority, the High Court must exercise it sparingly. The conditions for invoking such powers are embedded within Section 482 of the CrPC itself, allowing the High Court to act only in cases of clear abuse of process or where intervention is essential to uphold the ends of justice.

9. It is in this backdrop that this Court, over the course of several decades, has laid down the principles and guidelines that High Courts must follow before quashing criminal proceedings at the threshold, thereby pre-empting the Prosecution from building its case before the Trial Court. The grounds for quashing, inter alia, contemplate the following situations : (i) the criminal complaint has been filed with mala fides; (ii) the FIR represents an abuse of the legal process; (iii) no prima facie offence is made out; (iv) the dispute is civil in nature; (v.) the complaint contains vague and omnibus allegations; and (vi) the parties are willing to settle and compound the dispute amicably (*State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335).”

16. Aforesaid law, clearly stipulates that court can exercise power under Section of 482 of the Code of Criminal Procedure, to quash criminal proceedings, in cases, where the allegations made in the first

information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

17. Now being guided by the aforesaid proposition of law laid down by the Hon'ble Apex Court, this Court would make an endeavor to examine and consider the prayer made in the instant petition vis-à-vis factual matrix of the case.

18. It is not in dispute that the complainant had contested the election for the post of Pradhan, Gram Panchayat, after obtaining a No Objection Certificate dated 03.12.2010 from the Commandant, Home Guards, Dharamshala. It is also not in dispute that the complainant was elected to the said post, but thereafter, respondent Nos. 3 to 5, along with the petitioner, allegedly held a press conference, wherein false allegations were levelled against the complainant to the effect that being a Home Guard, he was not eligible to hold the post of Pradhan, Gram Panchayat. During press meeting, it also came to be alleged that complainant played fraud by holding two posts, one of Home Guard and other of Pradhan Gram Panchayat. On the same day in the evening, accused No.1 i.e. respondent No.2, who at relevant time was working as a correspondent with *Divya Himachal*, called the complainant and asked him to clarify his position.

Though the complainant showed the petitioner No Objection Certificate issued by the Commandant, Home Guards, but, the petitioner, in connivance with the remaining respondents, published a news item in the daily newspaper *Divya Himachal* dated 14.09.2011, as a result thereof, serious harm was caused to the reputation and esteem of the complainant, who, besides having been elected as Pradhan of the Gram Panchayat, is also a respectable member of the area. It is admitted case of the complainant that press meeting was held on 13.09.2011 at the instance of respondent No. 3, Mulkh Raj, who had actually lost election against the complainant, and respondent No.2, Rakesh Kathuria, was present therein as a press correspondent of *Divya Himachal*. Allegedly, the petitioner herein, who at the relevant time was working as the Editor of *Divya Himachal* publication, was also present at the said press conference and subsequently, on the basis of the information shared by the accused Mulkh Raj to the effect that the complainant, being an active Home Guard, was not entitled to hold the post of Pradhan, Gram Panchayat, a news item came to be published on 14.09.2011 under the caption, **“Sadarpur Ka Pradhan Home Guard Ka Jawan.”** Allegedly, on account of publication of aforesaid news item, reputation of the complainant was damaged.

19. However, having carefully perused news article, which is alleged to be defamatory, this Court is persuaded to agree with Mr. K.B. Khajuria, learned counsel for petitioner, that entire news item is based upon the information shared by Mr. Mulkh Raj, who is one of the accused, who categorically claimed in press conference that complainant, on account of his being a serving as Home Guard, cannot hold the post of Pradhan. Once it is not in dispute, rather an admitted fact, that while the complainant was serving as Pradhan of the concerned Gram Panchayat, he was simultaneously enrolled as a Home Guard, no false or defamatory news item can be said to have been published by the petitioner, who otherwise before publishing news item on the basis of information shared by accused Mulkh Raj, also sought clarification from the complainant and published the same in same news item. Similarly, this Court finds that on 29.09.2011 petitioner along with other accused, namely Rakesh Kathuria, against whom complaint stand quashed pursuant to judgment delivered by Co-ordinate Bench of this Court, published news item on 29.09.2011 with the heading that "Home Guard Pradhan Ko Clean Chit". In aforesaid news item, it specifically came to be clarified that complainant had obtained No Objection from the Commandant, Home Guards before contesting election, and as per rules, he can simultaneously hold two positions, one of Pradhan

Gram Panchayat and other of Home Guard. Since news item, which is being claimed to be defamatory, was based upon true facts, coupled with the fact that clarification was sought from the complainant and thereafter such clarification was also published in the same newspaper, act of publishing news item by the petitioner cannot be said to be an act of defaming the complainant.

20. In the preliminary evidence, Complainant, besides examining himself as CW-1, also examined Sh. Mani Ram as CW-2 and Sh. Ajay Chaudhary as CW-3. Complainant, while deposing as CW-1, reiterated the allegations contained in the complaint. He stated that on 13.09.2011, respondent No. 3 held a press conference, whereafter respondent No.2, being a correspondent of the press, published the news item, Ext. CW-1/A, in the Hindi newspaper *Divya Himachal* on 14.09.2011. There is nothing in his statement that at the time of press conference, petitioner, who at relevant time was Editor of the *Divya Himachal*, was also present.

21. CW-2 Mani Ram merely stated that he knew the complainant, Praveen Kumar, who had been elected as Pradhan of the Panchayat. He deposed that he had gone through the news item, which, according to him, had harmed the reputation of the complainant, Praveen Kumar. However, he nowhere stated that any press conference had been

held by the petitioner or that the petitioner had conspired with the other accused named in the complaint.

22. Third witness examined by the complainant, CW-3 Ajay Chaudhary, merely stated that he had issued a legal notice, Ext. CW-3/A, to the accused through registered post.

23. Careful perusal of news item (Ext. CW-1/A), clearly reveals that it was Mulkh Raj, a defeated candidate of Panchayat election, informed the press correspondent i.e. respondent No.2 that elected President was a Home Guard, and he mislead the Government, concealed material facts, and got himself elected as Pradhan. The news item further reveals that the clarification has been furnished by the complainant, Praveen Kumar, stating that he was not a regular Government employee but was engaged as a daily-paid Home Guard. Since news item, as came to be published, was purely based upon the statement given by Mulkh Raj, and facts otherwise revealed by Mulkh Raj were factually correct, coupled with the fact that correspondent of *Divya Himachal*, i.e. accused No.1, who otherwise stand exonerated, also published clarification on behalf of the complainant, there was no occasion, if any, for trial court to take cognizance against the petitioner herein and issue process under Sections 501 & 120B IPC.

24. Leaving everything aside, this Court finds that, vide judgment dated 01.08.2018 passed by the learned Sessions Judge, Kangra at Dharamshala, District Kangra, HP, in Criminal Revision No.15-K/X/14 titled **Purshotam Purshotam Das Saini vs. Praveen Kumar Saini** and Co-ordinate Bench of this Court, vide judgment dated 09.8.2016, in Criminal Revision No. 313 of 2015, titled **Sunil Saini vs. State of H.P. and Others**, have already held that court below, while issuing process against the accused named in the complaint, acted in hot haste and in a mechanical manner, and there is no application of mind and as such, complaint qua the petitioner, whose presence otherwise never came to be proved at the time of press conference held by Mulkh Raj, coupled with the fact that news item, which ultimately came to be published, was reported by the co-accused Rakesh Kathuria, there appears to be no cogent and convincing reason to permit prosecution of the petitioner.

25. Consequentially, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), present petition is allowed. Complaint No.65 of 2013, titled as **Parveen Kumar Vs. Rakesh Kathuria & Ors.** filed at the behest of the respondents under Sections 500, 501 and 120-B of Indian Penal Code along with order dated

03.03.2023 is quashed and set aside qua the petitioner. Petitioner is acquitted of the charges framed against him.

The petition stands disposed of in the aforesaid terms, along with all pending applications.

August 07, 2026
(Sunil)

(Sandeep Sharma),
Judge