



2026 INSC 856

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**Criminal Appeal No. 3807 of 2026
(Arising out of SLP (Crl.) No.12581 of 2026)**

██████████

....Appellant

Versus

State of Himachal Pradesh & Anr.

....Respondents

ORDER

Leave granted.

2. The appellant is the sister of the deceased husband of the second respondent. The second respondent's marriage was plagued with marital discord. When the husband was alive, the appellant and the second respondent and their families were going hammer and tongs at each other due to the marital discord. Criminal proceedings were also initiated against each other. Later, all of these came to be settled on 20.06.2024 by Annexure P4, settlement deed, after the husband of the second respondent died. There was a compromise entered into between the second respondent and the family of the appellant as is seen from Annexure P4. However, what remained was a solitary complaint under Section 182 of the Indian Penal Code (IPC) registered as

Police Kalendra No.4 of 2021, pending before the Judicial Magistrate of the First Class (JMFC), Nahan, District Sirmaur, Himachal Pradesh.

3. The appellant by the application under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C) sought for quashing the complaint. The High Court referred to a number of decisions and found that the offence under Section 182 of the IPC read with the provisions of Section 195 of the Cr.P.C is a matter between the 'public servant and the 'offender'. The settlement between the appellant and the second respondent does not put an end to that, since the offence is against the public servant. The High Court dismissed the application.

4. We cannot but observe that the rejection was without looking at the complaint itself, which is produced at Annexure P4. In fact, the complaint was made by the second respondent, when the fight between the two families were raging and the allegation was that the appellant herein made complaints to various departments as noticed in Annexure P2, which were false and misleading statements intended at harassing the second respondent and pressurizing her to withdraw the various complaints. The allegation was also that the complaints were made in the various Government Departments, not only against

the second respondent but also her family members. A complaint was filed before the Women Police Station, Nahan, District Sirmaur and allegedly after investigation the complaint was found to be true; ie: the various complaints made before the numerous departments were aimed at intimidating the complainant and that they were rejected as false and frivolous.

5. True, Section 182 if committed is between the offender and the public servant and Section 195 clearly stipulates that, for offences punishable under Sections 172 to 188, no cognizance shall be taken unless the complaint in writing is of the public servant or of some other public servant to whom he is administratively sub-ordinate. There is no complaint filed by any of the officers in the various departments where the allegations were raised by the appellant herein. The Officer in-charge of the Women Police Station is neither the public servant to whom allegedly false and frivolous statements were made nor is the said officer administratively superior to the public servant made mention of in the complaint of the second respondent.

6. The complaint is ill-motivated and in any event no cognizance could have been taken based on Annexure P2 filed by a police officer before whom the second respondent complained

of false and frivolous complaints made by the appellant against the second respondent and her family members.

7. We find absolutely no reason to permit the continuance of the proceedings. The proceedings before the JMFC, Nahan, District, Sirmaur initiated by Police Kalendra No.4 of 2021 shall stand quashed, whatever the stage be, no further proceedings shall be taken and if the appellant has been released on bail, the bail bonds shall stand cancelled.

8. The appeal stands allowed.

9. Pending application(s), if any, shall stand disposed of.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
AUGUST 11, 2026.**