

**IN THE HIGH COURT OF HIMACHAL PRADESH,  
SHIMLA.**

**Cr.WP No. 14 of 2023**

**Reserved on 25.06.2026**

**Pronounced on: 08.07.2026**

**Uploaded on: 08.07.2026**

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Court on its own motion ...Petitioner

Versus

State of H.P. & Ors. ...Respondents

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*Coram*

***The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.***

***The Hon'ble Mr. Justice Bipin C. Negi, Judge.***

*Whether approved for reporting?*

**For the Petitioner:**

Mr. Viren Bansal, Advocate with Mr. Nishant Sharma - Complainant

Mr. Anup Rattan, Advocate General with Mr. Pranay Pratap Singh, Additional Advocate General, for respondents No. 1 & 3.

Mr. Manish Sharma, Advocate, for respondent No 2.

Mr. Arjun Lal, Advocate, for respondent No. 4.

Mr. Shrawan Dogra, Senior Advocate with Ms. Bhanvi Negi, Advocate, for respondent No. 4.

Mr. Rajneesh Maniktala, Senior Advocate with Mr. Dinkar Bhaskar, Advocate, for the intervenors.

Complainant-Nishant Sharma in person.

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**G. S. Sandhawalia, Chief Justice**

The present petition was initiated on account of a representation/e-mail dated 28.10.2023, received from Mr. Nishant Sharma herein called the complainant, addressed to the then Chief Justice of this Court.

2. The status report had been called by the Coordinate Bench on 10.11.2023 on account of the fact that there were allegations of intimidation by the then head of the Police Force, Mr. Sanjay Kundu, the then Director General of Police (**DGP**).

3. The grouse in question as such that an attack had taken place by gangsters at the gate of the parents' house at Gurugram on 25.08.2023 initially and allegations were made against Mr. Sachin Shreedhar, Ex IPS Officer, while naming his brother Tarun Shreedhar, who was a Senior IAS Officer in the State and one Senior Advocate, namely, Keshav Dutt Shreedhar, practicing in this Court, who are stated to be involved with Mr. Sachin Shreedhar.

4. The complainant alleged that he was running hotel in Palampur and where he was residing since 2000 and Mr. Rakesh Shreedhar brother of Mr. Keshav Dutt

Shreedhar, who is residing in America, had invested in various small scale projects in or around Palampur and used undue force from others for extorting money from him and forcing to sell the company by threatening auditors and not allowing to file returns. Mr. Sanjay Kundu, the then DGP, was stated to have rung up the complainant and asked him to come to Shimla in the said context. At the time of receiving the call, the complainant was stopped by two men on a motorcycle on 27.10.2023 and threatened that they would make the whole family disappear and at that time he was accompanied by his wife and child. The concerned Senior Superintendent of Police, Kangra had been contacted but not having been able to connect with her, the representation had been received.

5. Vide interim order dated 16.11.2023, on filing of the status report, *Amicus* was also appointed and requisite protection was also provided to the complainant and assurance was taken by the Court that the FIR would be registered with regard to the complaint made to the Senior Superintendent of Police, Kangra.

6. Vide detailed order dated 26.12.2023, directions were issued to the Deputy Superintendent of Police and the

Superintendent of Police, Kangra, be moved to other posts to ensure the fair investigation in the FIR No. 55 registered on 16.11.2023, which order was challenged in the SLP No. 54019/2023 filed by Mr. Sanjay Kundu and accordingly the liberty was granted to the said police officer to move an application before the High Court for recalling of the order, whereas the transfer order as such was to remain stayed till the recall application is decided on 03.01.2024. Resultantly, both the police officers were also impleaded and on 09.01.2024 and the plea for recalling the order was rejected and the Special Investigation Team as such of the IG level was to coordinate the investigation.

7. The said order was stayed in SLP No. 3917/2024, preferred by the Superintendent of Police on 21.03.2024. Vide order dated 19.04.2024, the Apex Court in SLP No. 3917 of 2024, directed that the Superintendent of Police, Kangra shall not have any role in relation to the security to be provided to the complainant and nor shall she interfere in the investigation by the SIT and since the High Court was seized of the matter as the order dated 09.01.2024 was stayed and the matter was to be taken up by this Court, by disposing of the SLP.

8. On 22.05.2024, it was directed by the Coordinate Bench that the final report shall not be filed in FIR No. 98/2023, under Section 500 and 505 of the IPC, which had been registered against the complainant at Shimla on the basis of the complaint made by Mr. Sanjay Kundu and also FIR No. 55/2023, registered at the Police Station McLeodganj, under Sections 341, 504, 506 and 34 regarding the incident of threat, the basic cause of action as such in the representation submitted to this Court initially.

9. On 23.09.2024, the Coordinate Bench headed by the then Chief Justice, directed additions of the Section 384 to 387 of the IPC in FIR No. 55/2023, registered at Police Station McLeodganj and the SIT to investigate the matter and the Superintendent of Police level officer from the H.P. Armed Police Battalion, as approved by the successor Director General of Police, be added as member of the SIT, as per the report filed by him, appropriate notification was to be issued and the matter was listed for filing of status report, by the Director General of Police, State of Himachal Pradesh and the SIT.

10. The said order was stayed in SLP No. 45241/2024, filed by Mr. Sanjay Kundu, the then DGP and

the judgment and order passed on 23.09.2024 was directed to be stayed on 01.10.2024.

11. An SLP No. 2167/2025 filed by State of Himachal Pradesh was disposed of on 07.04.2025 the ground that the investigation has been concluded by the SIT.

12. Resultantly, the proceedings before the Coordinate Bench was thereafter deferred.

13. On 07.02.2025, Cr.W.P. No. 4 of 2025 came to be filed by the complainant raising a challenge to the order dated 18.11.2024, passed by the JMIC, Kangra, wherein status report was called for in an application filed under Section 156(3) of the Cr.P.C. for registration of the First Information Report (FIR) against the complainant and his father - Mr. Kamlesh Sharma. We declined to grant any interim relief to the present complainant - Mr. Nishant Sharma since only a status report had been called and the Superintendent of Police, District Kangra had directed the SHO, Palampur and McLeodganj to give the details of movable and immovable properties of the present petitioner. It was also noticed that there was dispute of investment made by the Mr. Keshav Dutt Shreedhar, the

applicant in petition under Section 156(3) Cr.P.C. proceedings. Both the petitions were then clubbed together.

14. On 16.09.2025, it was noticed by the Apex Court that both the FIRs had been looked into by the SIT and two separate reports had been prepared in both the competent Courts of the Chief Judicial Magistrate, Kangra and the Additional Chief Judicial Magistrate, Shimla.

15. Keeping in view the arguments raised by the complainant, directions were issued that the reports be placed before this Court and this Court shall look into the reports and it was left open for the discretion of this Court to allow the two jurisdictional magistrates to proceed further in accordance with law and it was left open to take further action if required in the interest of justice. The security provided to the complainant was ordered to be discontinued and the contempt proceedings were also accordingly closed. The relevant part of the order dated 16.09.2025 reads as under:-

*“(i) The two reports which have been filed by SIT before the two Courts of Jurisdictional Magistrates may remain over there for the present, however, both the reports should now be placed before the High Court. The High Court will look into the reports. We leave it to the*

*better discretion of the High Court to proceed further in accordance with law after looking into the reports. It will be open for the High Court to allow the two jurisdictional magistrates to proceed further in accordance with law, if satisfied otherwise.*

*(ii) Insofar as the directions are concerned as contained in the Order passed by the High Court dated 23.09.2024, more particularly, addition of Sections 384 to 387 of the Indian Penal Code, 1860 respectively in the FIR No. 55 of 2023 is concerned, the same shall also be looked into by the High Court after perusing the two reports filed by the SIT.*

*(iii) The Registry shall forward one copy of this Order at the earliest to the Hon'ble Chief Justice of the Himachal Pradesh High Court. The Chief Justice shall call for the two reports filed by the SIT from the respective Courts, referred to above and thereafter proceed to look into the main matter further i.e. Writ Petition Crl.No. 14 of 2023 pending before it in accordance with law.*

*11. This Court had to intervene having regard to the situation prevailing at the relevant point of time. We need not now keep monitoring this litigation for an indefinite period of time. We believe that the High Court should now look into the matter further in accordance with law keeping in mind the two reports filed by the SIT. We leave it open to the High Court to take further action if required in the interest of justice and more particularly if the High Court is*

*dissatisfied with the manner in which the SIT has undertaken the investigation.*

*12. With the aforesaid both the Special Leave Petitions stand disposed of and Contempt Petition (C) No. 505/2025 in SLP(Crl.) No. 14974/2024 stands closed.*

*13. The security provided to Shri Nishant Sharma shall now be discontinued. However, if there is any genuine apprehension as regards threat to his life or to the lives of his family members, he may approach the High Court and make an appropriate request in that regard.*

*14. Pending application(s), if any, stands disposed of.*

*Contempt Petition (C) No.498 of 2025 in SLP(Crl.) No.3917 of 2024 and Contempt Petition (C) Nos. 499-500 of 2025 in SLP(Crl.)Nos. 550-551 of 2024*

*1. Upon being mentioned by the learned counsel appearing for the State of Himachal Pradesh, the above said Contempt Petitions are taken on Board.*

*2. In view of the Order passed in the main matter i.e. SLP(Crl.) No. 14974 OF 2024, these Contempt Petitions also stand closed.*

*3. Pending application(s), if any, stands disposed of.”*

16. It is settled principle that in normal circumstances, it is for the Magistrate as such to look into

the Cancellation Report and take action accordingly after giving the opportunity to the complainant in case the Cancellation Report is to be submitted or it is within its jurisdiction to direct further investigation in view of the law laid down in **Abhinandan Jha & Ors. vs. Dinesh Mishra, AIR 1968 SC 117** or in alternate take cognizance. The relevant portion of the judgment reads as under:-

*(15) Then the question is, what is the position when the Magistrate is dealing with a report submitted by the police, under Section 173 that no case is made out for sending up an accused for trial, which report as we have already indicated is called in the area in question as a 'final report'? Even in those cases, if the Magistrate agrees with the said report he may accept the final report and close the proceedings. But there may be instances when the Magistrate may take the view on a consideration of the final report that the opinion formed by the police is not based on a full and complete investigation in which case, in our opinion, the Magistrate will have ample jurisdiction to give directions to the police, under S. 156 (3), to make a further investigation. That is if the Magistrate feels, after considering the final report, that the investigation is unsatisfactory, or incomplete, or that there is scope for further investigation, it will be open to the Magistrate to decline to accept the final report and direct the police to make further investigation, under Section 156 (3). The police, after such further investigation, may submit a charge-sheet, or, again submit a final report,*

*depending upon the further investigation made by them. If ultimately, the Magistrate forms the opinion that the facts, set out in the final report, constitute an offence, he can take cognizance of the offence, under section 190 (1) (b), notwithstanding the contrary opinion of the police, expressed in the final report.*

17. Similar view was also taken by the Apex Court in ***Union of India vs. Prakash P. Hinduja & Anr., AIR 2003 SC 2612***, wherein the learned Single Judge of the High Court had set aside the cognizance order taken by the Special Judge and all consequential proceedings had been quashed, leaving the prosecution to file fresh charge-sheet. Resultantly, the question which came up for consideration before the Apex Court was that whether the Court can go to the validity of the investigation done by the authorities charged with the duty of investigation and whether error or illegality committed would vitiate the charge-sheet, so as to render cognizance taken bad and invalid. Resultantly, the appeal was allowed and the proceedings quashing the cognizance and further proceedings were set aside keeping in mind the basic principle that the Magistrate is to accept the final report and the material collected in the investigation is justified for prosecution and it may not

accept the cancellation and take cognizance of the offence and summon the accused.

18. However, since the Apex Court has ordained us to also look into the reports, which have been filed by the SIT and has noticed that separate reports have been prepared, it has left us to look into the reports and a discretion to proceed further in accordance with law as to whether the investigation has been done properly. Liberty has also been given to us if dis-satisfied with the manner the SIT has undertaken the investigation, it would be open for us to take further action, if so required in the interest of justice and resultantly we proceed to discuss the issue threadbare.

19. It is also relevant to note that in the meantime the petition filed under Section 156 (3) Cr.P.C. against the complainant by Mr. Keshav Dutt Shreedhar was disposed of by the Magistrate on 02.04.2025 by holding that there is no *prima facie* case for commission of the offence, which was challenged by filing Cr. Rev. No. 345 of 2025, by Mr. Keshav Dutt Shreedhar and which came to be thereafter allowed on 11.11.2025 and the matter was remanded to the Magistrate for fresh consideration. We have been told that the matter

is now pending consideration before the Apex Court in a petition filed by the complainant and, therefore, we reserved orders in the present Cr.W.P. No. 14 of 2023 on 25.06.2026 while deferring the proceedings in Cr.W.P. No. 4 of 2025.

20. It is also noteworthy to be kept in mind that the Un-traced Report in FIR No. 350/2023, under Sections 323 and 506, registered by the complainant at Police Station Sector-9, Gurugram was also accepted by the Magistrate on 05.07.2025 in the absence of the complainant and he has filed objections against the same.

21. In such circumstances, we are now to decide the issue as such and look into the Cancellation Reports, which have been filed in both of the cases in view of the directions of the Apex Court. It is to be noticed that the FIR No. 55/2023, lodged at the Police Station McLeodganj, was on account of the fact that on 25.08.2023, he had been threatened by two persons, who were on a Pulsar Bike, in the jurisdiction of the said Police Station.

22. The perusal of the said Cancellation Report would go on to show that SIT reached out to the present petitioner and recreated the crime scene and examined

CCTV footage of the date of the incident but the bike purportedly used by the assailant remained unidentified in the proceedings. The scene of the crime had been recreated and various CCTV cameras alongwith the route of the scene of the crime had been assessed including one of Ashwani Kiryana Store, Meethanala Karmu Mod, which had been met with the allegation of tampering by the present complainant. The experts from Forensic Science Laboratory as such were also involved to trace out the persons who had threatened the complainant on 27.10.2023. The vendor who had installed the CCTV cameras were also examined to corroborate the version of the two brothers of the shop in question. Interrogation of Mr. Keshav Dutt Shreedhar, Mr. Sachin Shreedhar, Mr. Sanjay Kundu, Ravi Kant Bansal and Mr. Mast Ram Dalel regarding their involvement was also done.

23. It was also noticed that the father of the complainant had come into contact with Mr. Keshav Dutt Shreedhar way back in early 1990 and friendship had developed between them and he had persuaded him to invest in the company Shri Chamunda Laboratories and Projects Pvt. Ltd, which operated a hotel in Palampur in the

name of Sai Gardens, which was initially with 28 rooms and was expanded to 60 rooms under the joint management of the complainant. There were issues regarding selling the company property on multiple occasions and Mr. Keshav Dutt Shreedhar had 51% ownership in the Company.

24. It was noticed that the matter had been taken to National Company Law Tribunal and is still underway regarding the illegal running business from the company properties and diversion of the profits to personal accounts and partnerships without informing the company.

25. It was noticed that the complainant had acquaintance with Mr. Sanjay Kundu and they had met when he was Principal Secretary to the Chief Minister of H.P. in the previous government and Mr. Sachin Shreedhar was also associated regarding his role in the assault incident in Gurugram and had joined the investigation. He also had filed a defamation case against the complainant in the Court of the District and Sessions Judge, Saket, New Delhi.

26. The then Superintendent of Police, Kangra, Ms. Shalini Agnihotri's examination as such revealed that she had discussed the case emphatically with him and requested the details and later she was accused of inaction

on account of not mentioning their telephonic conversation. The Superintendent of Police, Kangra had provided the audio recording of their conversation as evidence of her proactive approach.

27. Thus, the SIT which was headed by Mr. Santosh Patial, IPS, IGP, and Mr. Abhishek Dullar, IPS, IGP/NR also compared the IPDR data of both the mobile numbers of Mr. Keshav Dutt Shreedhar and Mr. Sachin Shreedhar for the period 26.10.2023 to 28.10.2023 and confirmed the absence of any link with the alleged suspects of so called assailants. The person he had remained in touch was one Editor of the Newspaper 'Himachal Dastak', which was owned by Mr. Keshav Dutt Shreedhar and the conversation was business related.

28. Mr. Lokender Negi, the Deputy Superintendent of Police, Palampur had provided critical insights into the fact that the advise had been given to the complainant to contact the DGP's official landline number and the call from the complainant's mobile had been connected with the DGP.

29. The Manager Varun Dixit who had earlier worked with the complainant's hotel '*Sai Garden*' from 2017 to

2019 had also been examined and he had been acquainted with Mr. Keshav Dutt Shreedhar, Director of the Company operating the said hotel and informed that Mr. Keshav Dutt Shreedhar had been visiting the hotel and took daily sales bills as he was interested in the hotel's revenue. The said manager had resigned on account of the fact that there was dispute between complainant and Mr. Keshav Dutt Shreedhar regarding the property proceeds. Even the police officials posted at Police Post Sector-4, Gurugram were examined and it was noticed that the complainant had not provided any clue or evidence against Mr. Keshav Dutt Shreedhar and incident as such had occurred near his house but not inside and the suspects were not able to be identified.

30. It is also noticed that complainant had lunch with his friend Sonam Wangchuk at Hotel Tibet in McLeodganj and headed towards Bhagsunag at 5:40 p.m. and the incident took place at 5:50 p.m, but he had not contacted the said person and it was noticed that there are only two routes from McLeodganj to Dharamshala and the assailants could have been easily apprehended if the police was informed timely and the complainant had failed to provide a

logical explanation. It was also noticed that on the next date i.e. 28.10.2023 there was cricket match also at Dharamshala and the guest house and hotels were totally sold out. Accordingly, the SIT had come to the conclusion that no such incident had occurred on 27.10.2023.

31. While falling back on the statement of one Mr. Rajaeet Kumar (Electrician), who accompanied the complainant from Palampur to Bhagsunag and back on the day of the alleged incident had not overheard any such discussion regarding the call from the higher police official. It was noticed that on earlier occasion, when he was assaulted at Gurugram, he immediately rushed to the nearest police station. The statements of two adjoining shopkeepers Mr. Sharan Dass and Mr. Ravi Kumar were recorded, who denied any incident and in the absence of any direct witness, the Closure Report as such had been submitted.

32. It was also noticed that since there was a push for transparency and rectification of the financial mismanagement for Mr. Keshav Dutt Shreedhar and the pressure was on the complainant to sell stake in the company or face legal consequences, the said incident was

to intended to distract from the findings and to shift the narrative on his alleged victimization. Resultantly, the following conclusion was arrived at:-

**1. Lack of Substantial Evidence:** *Despite extensive efforts to collect evidence, including site visits, CCTV footage analysis, and witness interviews, no substantial evidence was found to support Sh. Nishant Sharma's allegations. The CCTV footage did not show any suspicious motorcycles or activities described by the complainant, and witness statements did not corroborate the incident.*

**2. Inconsistencies in the Complainant's Claims:** *The investigation revealed several Inconsistencies in Sh. Nishant Sharma's narrative. For instance, the timeline of events provided by Sh. Nishnat Sharma did not match the CCTV footage and other collected evidence. Additionally, despite his claims of an immediate threat, Sh. Nishant Sharma did not report the incident to the local police on the day it occurred, which is inconsistent with someone facing a genuine threat.*

**3. Contradictory Witness Statements:** *Numerous witnesses, including local shopkeepers, residents, hoteliers, taxi-drivers and police officials, provided statements that contradicted Sh. Nishant Sharma's version of events. None of the interviewed witnesses could confirm the presence of the alleged assailants or the occurrence of the described incident.*

**4. Fabricated Allegations:** The SIT's Investigation suggested that Sh. Nishant Sharma had fabricated the story to create a false narrative against Sh. Keshav Shridhar, Sachin Shridhar and DGP Sanjay Kundu. This conclusion was supported by the timing and content of his communications, which appeared to be coordinated to frame a particular sequence of events.

**5. No Unauthorized Surveillance:** Sh. Nishant Sharma's claims about being under unauthorized surveillance were found to be baseless. The SIT's investigation with the telecom service provider and the CID department confirmed that no such surveillance or tapping of Sh. Nishant Sharma's phone had taken place.

**6. Ongoing Business Dispute:** The Investigation revealed that Sh. Nishant Sharma had a longstanding business dispute with Sh. Keshav Shridhar which likely motivated his allegations. Legal proceedings regarding mismanagement and oppression within the company were already underway, indicating that the criminal complaint may have been an attempt to gain leverage in the business conflict.

**7. Complainant's Non-Cooperation:** Sh. Nishant Sharma exhibited a lack of cooperation with the Investigation. He refused to sign observation memos, provide detailed information, or assist in identifying suspects, Instead frequently finding faults with the investigation process.

**8. No Eyewitness Testimony:** Despite the alleged Incident occurring in a busy area particularly due to a World Cup cricket match, none of the witnesses confirmed witnessing the described intimidation or threats.

**9. Forensic Analysis Results:** Forensic analysis of the CCTV footage from possible escape routes which were alleged by Sh. Nishant Sharma as tempered/planted did not show any tampering or manipulation, further discrediting Sh. Nishant Sharma's claims.

**10. Telecommunication Data Analysis:** The analysis of call records and tower dump data did not show any connections to the alleged suspects or indicate any suspicious activity that would support Sh. Nishnat Sharma's allegations.

**11. Behavior Post-Incident:** Sh. Nishant Sharma's behavior after the alleged incident, including his public disclosures and press conferences, seemed more aimed at creating a narrative than seeking justice. His actions complicated the investigation and suggested an ulterior motive.

67. The motive for registering a false case appears to be multifaceted and rooted in this ongoing business conflict. Here are the key motives identified:

**1. Leverage in Business Dispute:** Sh. Nishant Sharma and the Sh. Keshav Shridhar were embroiled in a dispute over the management and ownership of a company that owned properties in Palampur and Bhagsunag. By fabricating allegations of threats and

*Intimidation, Sh. Nishant Sharma could have been attempting to gain leverage in business conflicts. The ongoing business disputes and the financial pressures associated with them could have driven Sh. Nishant Sharma to take drastic measures. Registering a false case could have been an act of desperation to expedite a resolution in his favor or to retaliate against those he viewed as responsible for his predicament.*

**2. Discrediting Opponents:** *By implicating Sh. Keshav Shridhar and Sh. Sachin Shridhar in a criminal case, Sh. Nishant Sharma could have aimed to discredit them and tarnish their reputations. This would potentially weaken their position in the business dispute and any associated legal battles.*

**3. Targeting High-Ranking Officials:** *The false allegations also involved claims against high-ranking officials, including DGP Sanjay Kundu. By doing so, Sh. Nishant Sharma might have sought to escalate the matter, attract more attention, and possibly create additional pressure on the individuals he perceived as adversaries. High-profile cases involving threats and intimidation can attract significant media and public attention. Sh. Nishant Sharma might have been attempting to use this case to draw public and media to his plight, thereby applying indirect pressure on Sh. Keshav Shridhar and other involved parties.*

**4. Seeking Protection and Sympathy:** *By portraying himself and his family as victims of*

*serious threats, Sh. Nishant Sharma could have been seeking protection from the authorities and public sympathy. This might have also been a strategic move to gain a more favorable position in both the business dispute and any related negotiations.*

**5. Legal Diversion:** *Registering a criminal case might have been a strategy to divert attention from ongoing investigations or legal actions against him, such as the case of mismanagement and oppression within the company. By creating a new and dramatic legal battle, he could have been trying to shift focus away from his own legal challenges.*

**6. Emotional Manipulation:** *By presenting himself and his family as victims, Sh. Nishant Sharma could have been attempting to manipulate the emotional responses of authorities, the public, and potential supporters. This could have been a way to garner sympathy and support, which might be used to his advantage in various ways.*

**7. Delaying Tactics:** *Creating a complex legal scenario with multiple allegations and high-profile targets might have been a tactic to delay proceedings in the ongoing business dispute. This could buy Sh. Nishant Sharma more time to prepare his case or negotiate from a position of perceived victimhood.*

**8. Intimidation:** *By involving high-ranking police officials in his fabricated allegations, Sh. Nishant Sharma might have been attempting to intimidate his opponents into backing down from*

*the business dispute or agreeing to more favorable terms for him.*

33. Resultantly, the SIT came to the conclusion that a false case was filed by the complainant to manipulate the legal system, distract attention from the findings and gain upper hand in his business disputes, while submitting the Cancellation Report.

34. In similar circumstances, the FIR No. 98/2023 lodged by Sanjay Kundu, DGP was directed to be closed on account of the fact that offence as such is primarily non-cognizable to which no exception can be undertaken as such.

35. A perusal of the Cancellation Report submitted in FIR No. 98/2023, would go on to show that the SIT came to the conclusion after examining the statements of the parties as such recorded that the complainant - Mr. Nishant Sharma had been making complaint against the Director General of Police (DGP) without any substantial basis and circulating e-mails as such thereby tarnishing his image and reputation. The business rivalry was the sole cause as such with Mr. Keshav Dutt Shreedhar, who was Standing Counsel for the Government of Himachal Pradesh and was known to

Mr. Sanjay Kundu on account of the professional acquaintance.

36. It was noticed that the father of the complainant Mr. K. K. Sharma was known to Mr. Keshav Dutt Shreedhar since 1990 and there were disputes as such regarding the shareholding in the company in question. The contact by Mr. Sanjay Kundu on telephone on 27.10.2023 was only on account of the fact that Mr. Keshav Dutt Shreedhar had come to his office on 09.10.2023 and informed him regarding the objections and allegations levelled against him by the complainant through e-mail and he had been asked to resolve the matter amicably and in such circumstances, efforts were made to converse with the complainant - Mr. Nishant Sharma and the conversation had taken place on the official land line for 63 seconds. The investigating agency accordingly came to the conclusion that Mr. Sanjay Kundu did not have any prior acquaintance as such with Mr. Nishant Sharma and the timing of the phone call was at the time when he was allegedly obstructed by two unknown persons and, therefore, he had suspected the involvement of the said officer.

37. The material circulated by the complainant - Nishant Sharma had been considered defamatory and, thus, the present case had been registered and resultantly, the investigating agency came to the conclusion that there was no such official government duty and the act could not be connected with the affairs of the State and there was no evidence pertaining to offence under Sections 327, 506, 120B IPC and the said sections were removed. Resultantly, it was found that Sections 499 and 500 IPC relate to the offence of defamation and the Court could only take cognizance upon the complaint made by the person aggrieved and resultantly also deleted Section 505 IPC as there was nothing adverse of the allegations against the character and functioning of the police force.

38. Thus, keeping in view the above, we are of the considered opinion that the necessary exercise has been done. We do not find that SIT had faulted in any manner and the only argument which has been raised by the complainant is that the Cancellation Report had been wrongly filed during the pendency of the litigation in the Supreme Court and since there were directions dated 22.05.2024 by the Coordinate Bench not to file the final

report in both the FIRs i.e. FIR No. 55/2023 and FIR No. 98/2023, and reports submitted should not be taken into consideration.

39. We are of the considered opinion that there is no weight in the said argument as it has already been noticed above that on 09.04.2024, it had already been directed by the Apex Court that the Superintendent of Police, Kangra, will not have any role and nor interfere in the investigation by the SIT. Thereafter, the SLP filed by the State of Himachal Pradesh i.e. SLP No. 2167/2025, was disposed of on 07.04.2025 that the investigation had already been concluded by the SIT. Eventually order dated 16.09.2025 came to be passed noting the background as such that both the FIRs had been looked into by the SIT and the separate reports had been prepared and it thus led to the filing of the the contempt petition and the argument was raised that two reports should have been filed before the High Court and not before the Magistrate, in view of the earlier order dated 19.04.2024, which led to the directions that the said report should also be placed before this Court to examine whether the investigation as such was satisfactory or not.

40. Accordingly, reliance can be placed upon the judgment in ***Vinay Tyagi vs. Irshad Ali alias Deepak & Ors., (2013) 5 SCC 762***, wherein also the Apex Court was considering that the Delhi Police had filed a report under Section 173(2) Cr.P.C. and there was a closure report by CBI and, therefore, left it open for the trial court as such to accept the application of the accused for discharge or direct the trial court to proceed in accordance with law and if dissatisfied on important aspect of the investigation, it could direct further investigation. Resultantly, the Apex Court modified the order of the High Court wherein it had been observed that once the report was filed by the CBI, the said agency has to be treated as the investigating agency and the closure report ought to have been considered by the trial court.

41. In ***Devendra Nath Singh vs. State of Bihar & Ors. (2023) 1 SCC 48***, the High Court had proceeded to direct Magistrate to give directions to the police to further investigate the case in terms of Section 173(8) Cr.P.C., as it was of the opinion that the District Manager of the Corporation was responsible for the illegality and the Class-IV employee was hauled up 'as a scapegoat to save the skin'. Resultantly,

the said order was upheld by only mentioning that the investigation contemplated should be allowed to be taken to its logical end while effacing the unwarranted and unnecessary observations of the High Court lest there be any prejudice to any party.

42. In sum and substance, the power of the Magistrate was kept in mind keeping in view the law laid down in ***Abhinandan Jha's*** case (supra).

43. Reliance can also be placed upon the judgment of the Apex Court in ***Sushila Devi vs. State of Rajasthan & Ors., 2014 (1) SCC 269***, to this extent, wherein there was issue as such whether the Apex Court as such had to keep on continuing to monitor of the matter in question and then the matter had been investigated and charge-sheet as such had been filed, which was a case as such pertaining to the provisions of the IPC including Sections 302, 364, 346, 201 etc.

44. Resultantly, the Apex Court while placing reliance upon the judgments in ***Vineet Narain vs. Union of India (1998) 1 SCC 226***, ***Union of India vs. Sushil Kumar Modi (1998) 8 SCC 661***, came to the conclusion that the whole purpose was to ensure proper and honest

performance of the duty by the investigating agency and not to the merits of the accusation, which had to be determined at the trial.

45. Reference was also made to ***M. C. Mehta vs. Union of India (2007) 1 SCC 110***, which was a Taj Corridor case, including the judgment in ***Jakia Nasim Ahesan vs. State of Gujarat (2011) 12 SCC 302*** and backed up the judgment in ***Narmada Bai vs. State of Gujarat (2011) 5 SCC 79***, and resultantly, it was held that once the investigation is complete, it would not be proper for the Supreme Court to keep on monitoring the trial.

46. The position remains the same herein since once the investigating agency has come to the valid conclusion that as discussed above, that the incident appears to be only an after thought or a dilatory tactics on account of the business disputes between the parties and having sought to be highlighted and the justification given does not suffer from any infirmity.

47. Similarly, the FIR lodged by Mr. Sanjay Kundu is primarily on the count that the present complainant - Mr. Nishant Sharma apparently had circulated various e-mails against him and, thus, on account of him having at the

instance of Mr. Keshav Dutt Shreedhar, having asked him to get touch with him, it was in such circumstances, there was an umbrage on account of the high ranking police officer as to how e-mails were being circulated blaming him to call for settling the matter.

48. It was in such circumstances, that the investigating agency has also come to the conclusion that there was no such official responsibility or the complainant had not intruded into the professional duties of the police officer and, therefore, the investigating agency had come to the conclusion that the offences were only made out of Sections 499 and 500, for which the complaint would lie.

49. In such circumstances, we do not find that the investigations as such in both the cases are conducted without any ulterior motive or have left any loose ends and the logical finding is apparently arrived *prima facie*, we, however, leave the said issue, in view of the observations made above that eventually it is for the Magistrate to go into the said issue and to either accept the Cancellation Report or take cognizance or order further investigation, if so required.

50. Resultantly, we do not wish to further comment upon the matter and leaving the parties as such to agitate for their right before the Court of competent jurisdiction, namely, the Magistrates, regarding the Cancellation Report submitted, if still aggrieved by the same.

51. Keeping in view of the above, we are of the considered opinion that no further orders are required in the matter which was initiated on the representation filed by the complainant and the proceedings are necessarily have to be dropped herein with liberty to give notice to complainant - Nishant Sharma. Mr. Sanjay Kundu is also free to file objections against the cancellation and it is open to him to file a complaint as such under the relevant provisions of law, otherwise.

52. The proceedings are disposed of accordingly with the aforesaid liberty.

**(G. S. Sandhawalia)**  
**Chief Justice**

**(Bipin C. Negi)**  
**Judge**

**8<sup>th</sup> July, 2026**  
(sanjeev)