

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

Criminal Misc. No. M-16933 of 2015

Date of Decision: 11.12.2015

Bishamber son of Daulat Ram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Sarfraj Hussain, Advocate
for the petitioner

Mr. Manish Bansal, Deputy A.G. Haryana

HARI PAL VERMA, J. (Oral)

Petitioner in the instant petition filed under Section 482 of the Code of Criminal Procedure, 1973, is seeking quashing of Calendra dated 25.08.2012 u/s 182 of IPC, Police Station Sadar, Palwal filed against the petitioner in DDR No. 22 dated 06.05.2012 (Annexure P-1), pending before Judicial Magistrate 1st Class, Palwal.

Learned counsel for the petitioner contends that since the police had connived with the accused persons, no action was taken on the DDR and rather police filed a Calendra against the petitioner under section 182 IPC in the said DDR. When no action was taken by the police against the accused persons mentioned in the DDR, petitioner filed a private complaint bearing case RBT No. 9/2012, dated 15.06.2012/ 02.01.2015 tiled as 'Bishamber vs. Naresh etc.' under

section 307, 323 read with section 34 of IPC and section 25 of Arms Act, 1959 wherein accused persons have already been summoned for the above mentioned offences vide order dated 11.06.2014, passed by learned Addl. Chief Judicial Magistrate, Palwal.

Learned State counsel on other hand submits that after registration of DDR No. 22 dated 06.05.2012 by the petitioner, a detailed inquiry was conducted by the then Deputy Superintendent of Police, wherein the allegations levelled in the DDR were found to be false and rather it was found that petitioner got registered the DDR just to counter blast the FIR No. 142 of 2012 under section 148, 149, 323, 506 and 307 IPC, registered at Police Station Sadar, Palwal, hence Calendra under section 182 IPC was registered against the petitioner.

Learned counsel for the petitioner relied upon judgment of this court in ***Banta Singh Vs. State of Haryana, 1995(3) RCR (Criminal) 133*** to contend that in a case where criminal complaint has been filed and accused were summoned, Calendra for the same incident is not maintainable.

Heard.

This Court in ***Banta Singh's case (supra)*** while relying upon a judgment of Hon'ble Apex Court in *State of Punjab vs. Brij Lal Palta, AIR 1969 SC 355* has held that in a case where police had submitted Calendra against the petitioner for making a false statement to the Police in respect of a criminal offence and such a petitioner had filed a complaint before the Magistrate regarding the same incident and Magistrate had summoned the accused persons, complaint against the petitioner could not proceed and was liable to be quashed.

The facts of the instant case are squarely covered by the decision of learned Single Judge in *Banta Singh's case (supra)*. Consequently, proceedings under Section 182 IPC initiated by the police against the petitioner vide Annexure P-1 are liable to be quashed.

Accordingly, the present petition is allowed and Calendra dated 25.08.2012 u/s 182 of IPC, Police Station Sadar, Palwal filed against the petitioner in DDR No. 22 dated 06.05.2012 (Annexure P-1) is hereby quashed.

December 11, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE