

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

**Crl. Misc. No. M-20690 of 2013
Date of Decision: 15.01.2015.**

Parveen Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. P.K.Garg, Advocate
for the petitioner.

Mr. K.S.Aulakh, AAG, Punjab.

.....

SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of Calendra DDR No. 11 dated 30.11.2008, under Section 182 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Dirba, District Sangrur (Annexure P-1) and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner has submitted that petitioner had lodged FIR No. 88 dated 14.6.2007, under Section 376, 34, 120-B IPC, registered at Police Station Dirba. However, after investigation, the investigating agency found that the allegations levelled in the FIR were false and cancellation report was submitted in the Court. Thereafter, proceedings under Section 182 IPC were initiated against the petitioner. However, petitioner had filed private complaint No. 11 dated 12.2.2009

against the accused qua the offence in question. Vide order dated 15.1.2013 (Annexure P-2) accused were ordered to be summoned to face the trial qua commission of offence punishable under Section 376, 34, 120-B IPC. Hence, proceedings under Section 182 IPC initiated against the petitioner, were liable to be quashed.

Learned State counsel, on the other hand, has opposed the petition.

Admittedly, in the present case, cancellation report was filed by the police in FIR No. 88 dated 14.6.2007, under Section 376, 34, 120-B IPC, registered on the statement of the petitioner. However, in a private complaint filed by the petitioner qua the offence in question, accused were ordered to be summoned to face the trial vide order Annexure P-2 dated 15.1.2013. Since the Court had *prima facie* found the allegations levelled by the petitioner to be genuine and had ordered the summoning of the accused, continuation of proceedings against the petitioner under Section 182 IPC would be nothing but an abuse of process of law.

Accordingly, this petition is allowed. Calendra DDR No. 11 dated 30.11.2008, under Section 182 IPC, registered at Police Station Dirba, District Sangrur (Annexure P-1) and all the consequential proceedings, arising therefrom, are quashed.

**(SABINA)
JUDGE**

January 15, 2015
Gurpreet