

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

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Crl. Misc. No. M 26143 of 2013
Date of decision: 21.02.2015

Shakuntla

..... Petitioner

Versus

The State of Harayana

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: None for the petitioner
Ms Neelam Kashyap, DAG, Haryana

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present petition under Section 482 of the Code of Criminal Procedure has been preferred for quashing the proceedings under Section 182 of the Indian Penal Code (in short, 'IPC') lodged vide rapt No. 04 dated 16.03.2006 (Annexure P4) pending in the Court of Judicial Magistrate Ist Class, Sonapat, notice of accusation dated 02.09.2011 (Annexure P7) and proceedings arising therefrom.

The petitioner lodged FIR No. 102 dated 09.08.2004 for offence punishable under Sections 325, 326, 452, 506 read with Section 34 IPC. During investigation, allegations levelled by the petitioner against the accused were found to be false and, therefore, Station House Officer, Police Station, Murthal filed Calandra vide rapt No. 4 dated 16.03.2006 and has initiated proceedings against the petitioner under Section 182 IPC.

The sole submission of the petitioner is that the petitioner

filed criminal complaint No. 127 of 2008 against the accused on 05.06.2008 and the same is pending in the Court and fixed for pre charge evidence of the complainant, therefore, calendra proceedings filed by the police cannot be allowed to sustain as the Court has taken cognizance of the offence.

Shri Virender Singh, Deputy Superintendent of Police, Ganaur, District Sonipat filed reply on behalf of respondent No. 1 i.e. State of Haryana. In para 5 of the reply on merits, there is no challenge to the averments set up in para 5 of the petition in regard to pendency of criminal proceedings before the Court and the order dated 19.08.2010 passed by the Court in those proceedings appended as Annexure P5.

Keeping in view the fact that the Court has already taken cognizance of the offence on the same allegations as set up in the first information report lodged by the petitioner, cognizance of offence under Section 182 IPC cannot be allowed to sustain. For this purpose, reference can be made to the judgment of this Court ***Banta Singh v. State of Haryana 1995 (3) RCR (Criminal) 133***. In *Banta Singh's* case (supra) reference has also been made to a decision of Hon'ble the Supreme Court of India ***State of Punjab v. Brij Lal Palta, AIR 1989 Supreme Court 355***.

In view of what has been discussed here-in-above, the petition is allowed, Calendra filed under Section 182 IPC and proceedings arising therefrom are ordered to be quashed.

(Rekha Mittal)
Judge

21.02.2015
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