

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-33331 of 2012 (O&M)
Date of Decision: August 24, 2015

Krishan Chand Goyal

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Lokesh Sharma, Advocate
for the petitioner.

Mr.Anmol Malik, Asstt. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of Calandra arising out of DD No.34 dated 29.07.2012 under Section 182 IPC registered at Police Station City Narwana, District Jind, pending in the Court of learned SDJM, Narwana and all consequential proceedings arising thereto.

Notice of motion was issued and learned State counsel appeared and contested the petition.

As per the prosecution version, Calandra arising out of DD No.34 dated 29.07.2012 under Section 182 IPC, Police Station City Narwana was registered on 27.07.2012 on the basis of statement of Inspector/SHO Joginder Singh. The facts of the Calandra are that

Krishan Chand Goyal has sent a false application dated 30.04.2010 by post, which was received by Deputy Superintendent of Police, Narwana regarding some occurrence regarding which FIR No.116 dated 30.04.2010 under Section 307 IPC was registered. During the investigation, averments in the application were found false and the FIR was ordered to be cancelled and cancellation report was submitted on 01.07.2010, which was accepted by learned SDJM, Narwana on 09.09.2011.

Learned counsel for the petitioner argued that prosecution came to know that the application given by the petitioner is false well before 01.07.2010 when the cancellation report was submitted and the Calandra has been filed on 29.07.2012 under Section 182 IPC, which is time barred.

On the other hand, learned State counsel argued that cancellation report has been accepted on 09.09.2011, therefore, the period of limitation is to be counted from that date.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

First of all, I find that the maximum sentence under Section 182 IPC is six months, therefore, as per Section 468 Cr.P.C., Calandra is to be filed within one year. It is admitted fact that cancellation report was submitted on 01.07.2010, which means that Investigating Officer came to know that the complaint filed by present petitioner is false well before 01.07.2010. As per Section 469 (1) (b) Cr.P.C., the period of limitation, in relation to an offence, shall

commence, Where the commission of the offence was not known to the person aggrieved by the offence or to any police officer, the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier.

In view of Section 469 (1) (b) Cr.P.C., the period of limitation started when the Investigating Officer came to know that the complaint was false and he came to know this fact before 01.07.2010 when he submitted the cancellation report. Therefore, filing of Calandra in the year 2012 is clearly time barred and on this ground alone, I find that filing of time barred Calandra is an abuse of process of law.

Therefore, finding merit in the present petition, the same is allowed. The Calandra arising out of DD No.34 dated 29.07.2012 under Section 182 IPC and all the consequential proceedings arising thereto, are hereby quashed.

August 24, 2015
Vgulati

(INDERJIT SINGH)
JUDGE