

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

**CRM-37009 of 2016 in/and
CRM-M-22689 of 2014 (O&M)
Date of decision : 22.12.2016**

Sukhpal Singh Khaira and others Petitioners

versus

State of Punjab and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Surjit Singh Swaich, Advocate
for the petitioners.

Mr. K.S.Nalwa, Addl. A.G., Punjab.

None for others respondents.

AJAY TEWARI, J. (Oral)

CRM-37009 of 2016

This is an application for pre-poning the date of hearing.

Keeping in view the averments made in the application and in view of the submissions of learned counsel for the applicant-petitioner, the same stands allowed and the main case is taken up for hearing today itself.

CRM-M-22689 of 2014

This petition has been filed for quashing of FIR and the order whereby cognizance has been taken.

On 12.10.2008 an FIR was registered under Sections 186/188

and 283 IPC at Police Station Bholath (now Police Station Begowal), District Kapurthala on the allegation that the petitioners disturbed the public peace and violated Section 144 Cr.P.C. and obstructed the police from doing their duty.

Learned counsel for the petitioners has argued that cognizance was taken after more than 5 years in the year 2013 and has relied upon Section 468 (2) (b) Cr.P.C. to contend that in such cases the limitation for taking cognizance is one year because offence under Section 186 IPC is punishable with a maximum imprisonment of three months and under Section 188 IPC with a maximum imprisonment of one month and that under Section 283 IPC can be punished only with fine.

Learned Additional Advocate General is not disputing this factual submission and is not in a position to contradict the legality of this argument.

On this short ground the petition is allowed. The aforesaid FIR and the order taking cognizance are quashed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

22.12.2016
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No