

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

CRM-M-31494-2016

Date of decision-07.09.2016

Manjit Singh @ Tita

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing Kalandra under Section 182 of the Indian Penal Code (in short 'IPC') dated 13.05.2011 registered at Police Station Sarabha Nagar, Ludhiana with all subsequent proceedings relating thereto or arising therefrom qua the petitioner.

The brief facts of the case are that at the instance of Anil Kumar, servant of the petitioner, FIR No.282 dated 09.12.2010 under Sections 307, 427 and 148 read with Section 149 of the IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Sarabha Nagar, District Ludhiana was registered against Raghbir Singh, Jatinder Kumar, Satish Kumar and others.

After thorough investigation of the matter, the contents of the FIR was found to be false. Thereafter the police filed the cancellation report

before the Court of Area Judicial Magistrate and the instant proceedings in the shape of kalandra under Section 182 of the IPC were initiated against the petitioner as well as the servant Anil Kumar.

It is averred in the petition that FIR in question which was found to be false was registered at the instance of Anil Kumar and the petitioner has no concern, whatsoever with the registration of the FIR. It is further contended that at the time of incident, the petitioner was not even present on the spot. Neither he is a witness to the occurrence nor a witness in the FIR. No proceedings can be initiated against him. The liability if any, can be fastened upon Anil Kumar.

Perused.

It has come on the record that prior to the registration of aforesaid FIR No.282 dated 09.12.2010, litigation between the parties i.e. Raghubir Singh and others on one hand and Manjit Singh, the petitioner was pending. Anil Kumar is none else but the servant of the petitioner who is working with the firm of the petitioner. The false registration of the FIR at the instance of Anil Kumar is not going to help him in any way. The active connivance of the petitioner cannot be ruled out at this stage. Further it is the matter of evidence whether the petitioner had in fact played any active role or not, the same cannot be adjudicated in the instant petition under Section 482 of the Code of Criminal Procedure.

This Court feels that no cause of action has arisen in favour of the petitioner to invoke the inherent jurisdiction of this Court by way of filing the instant petition.

Consequently, the instant petition being devoid of merits is dismissed.

However, anything observed herein above shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

September 07, 2016
vanita

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