

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-34886 of 2015 (O&M)****Date of Decision: May 18, 2016**

Baldev Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Viren Jain, Advocate
for the petitioners.Mr.Sidakmeet S. Sandhu, Deputy Advocate General, Punjab
for the respondent-State.

None for respondent No.3.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondent State of Punjab for quashing of Calandra (Annexure P-11) under Section 66 of the Punjab Police Act, 2007, filed by Station Head Officer, Police Station Dehlon, District Ludhiana against the petitioners along with all consequential proceedings arising therefrom.

Notice of motion was issued and learned State counsel appeared and contested the petition. However, none appeared on behalf of respondent No.3 despite service.

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

From the record, I find that as per Section 66 of The

Punjab Police Act, 2007, whoever makes a false statement or a statement which is misleading etc. to a police officer for the purpose of obtaining any benefit shall, on conviction, be punished with imprisonment for a term, which may extend to six months or with a fine, not exceeding rupees ten thousand or with both.

Section 71 of the said Act states that no Court shall take cognizance of any offence under this Act after the expiry of the period of limitation, as provided under Chapter XXXVI of the Code of Criminal Procedure, 1973.

As the maximum punishment provided under the above-said Section is six months, therefore, as per Section 468 Cr.P.C., the challan is to be presented within one year of the commission of the offence. In this case, it is stated that a false complaint has been received on 05.04.2013 as per the Calandra. The inquiry was got conducted on 17.06.2014 and the Calandra was presented vide report No.11 dated 14.08.2015, which means that this Calandra has been presented definitely after the expiry of period of limitation and is, therefore, time barred. Therefore, the Calandra should be filed within one year from the date when the authorities came to know regarding the fact that the complaint was filed for misleading etc.

Therefore, finding merit in the present petition, the same is allowed. The Calandra (Annexure P-11), summoning order and all subsequent proceedings, are hereby quashed.

May 18, 2016
Vgulati

(INDERJIT SINGH)
JUDGE