

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

CRM-M-35080 of 2015
Date of Decision: February 08, 2016

Jeet Kaur alias Jit Kaur ...Petitioner

Versus

State of Punjab and another ...Respondents

CRM-M-44042 of 2015

Gurdev Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. K.S. Dhillon, Advocate
for the petitioners.

Mr. Gurveer Singh Sidhu, AAG, Punjab.

FATEH DEEP SINGH, J.

Though, both these petitions preferred under Section 482 Cr.P.C. are against quashing of different Kalendras dated 30.11.2014 in CRM-M No.35080 of 2015 (hereinafter, referred as first petition) and dated 8.12.2014 in CRM-M-44042 of 2015 (hereinafter, referred as second petition) presented by different official-respondent Station House Officer, Police Station, Lambra District Jalandhar and Station House Officer, Police Station NRI, Commissionerate, Jalandhar respectively but there being common question of law involved, therefore,

to facilitate the brevity needs to be disposed off together.

In the first petition, petitioner-Jeet Kaur alias Jit Kaur has filed a complaint to Deputy Superintendent of Police Kartarpur (Jalandhar) against Arjan Singh and others residents of Nahal District Jalandhar but the DSP, Kartarpur has failed to take any action thereupon and resultantly the petitioner moved an application to Senior Superintendent of Police, (Rural), Jalandhar who has also failed to take any action on the same rather respondent No.2-Station House Officer, Lambra, District Jalandhar presented a false kalendra against the petitioner before the learned Illaqa Magistrate, Jalandhar which is contrary to the settled position of law.

Similarly in the second petition, petitioner has filed complaint dated 24.4.2014 against Tarlochan Singh and others to the Inspector General of Police (I.G.) N.R.I., Punjab Chandigarh who has failed to take any action thereupon and respondent No.2-Station House Officer, Police Station NRI, Commissionerate Jalandhar presented a false kalendra against the petitioner-complainant before the learned Chief Judicial Magistrate, Jalandhar

Heard learned counsel for the parties.

The sole contentious issue in both these petition is whether in terms of Section 195 Cr.P.C. such a complaint under Section 182 IPC can be made by the Station House Officer as has been done in the present case or it ought to have been moved by the public servant to whom the same was moved. The law has been well laid down on this point by ratio of the Hon'ble Supreme Court in **1962 AIR 1206 Daulat Ram vs. State of Punjab** which has been relied upon in subsequent view of Hon'ble Supreme Court in **P.D. Lakhani and another vs. State of Punjab and another 2008(2) RCR (Criminal) 838** and in the light of the contention of the petitioner's counsel a Single Bench view of this

Court has relied upon this ratio laid down in Daulat Ram's case ibid and has cited **D.S. Rawat Vs. State of Punjab 2008(1) Crimes 225; Kulwinder Singh vs. State of Punjab and another 2008(4) RCR (Criminal) 418; Dr. Sham Lal Thukral vs. State of Punjab 2009(3) RCR (Criminal) 168; Subhash Chander vs. State of Haryana 2010 (3) RCR (Criminal) 308** and **Malkiat Singh vs. State of Haryana 1999(2) RCR (Criminal) 10** which arguments could not be controverted successfully by the counsel for the respondent-State. There is clear contravention of provisions of Section 195 Cr.P.C. as it was DSP in first case and IGP in second case who were competent to lodge Kalendra which admittedly has been done by Station House Officer of the Police Stations contrary to the settled position of law.

Thus, in the totality of what has been detailed and discussed above the present proceedings certainly are not maintainable and tantamounts to misuse of process of law and would not attain any legitimate result. Thus, both the petitions stand allowed. The Kalendra Annexure P/3 dated 30.11.2014 under Section 182 IPC in first petition and Kalendra Annexure P/2 dated 8.12.2014 under Section 182 IPC in second petition are hereby quashed with all consequential benefits.

(FATEH DEEP SINGH)
JUDGE

February 08, 2016
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