

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

**CRM No.M-35539 of 2014 (O&M)
Date of Decision:- September 27, 2016**

Surjit Singh and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Thind, Advocate
for the petitioners.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Viabhav Narang, Advocate
for respondent No.2.

INDERJIT SINGH, J.

The petitioners have filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Jaswinder Singh, for quashing of Calandra under Section 182 IPC (report No.39 dated 25.06.2014) Police Station B Division, Amritsar and order dated 31.07.2014 passed by learned Judicial Magistrate Ist Class, Amritsar.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

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

From the record, I find that Calandra under Section 182 IPC

has been filed in the Court in the year 2014 on the allegations that the petitioners gave false applications dated 12.10.2009 and 05.01.2011. As per averments in the petition, respondent No.2 moved representation dated 16.05.2011 to the Commissioner of Police, praying for taking action against the petitioners for giving false information to the police and for initiating proceedings against the petitioners under Section 182 IPC.

Annexure P-1 is the application which is dated 16.05.2011. A request was made to take action against Surjit Singh and Pushpinder Kaur under Section 182 IPC. Annexure P-2 is the report submitted by Assistant Commissioner of Police, North Amritsar City, stating that any action under Section 182 IPC, if any with regard to the complaints, has to be taken by Police Station 'B' Division. The application filed by respondent No.2 itself shows that it was in the knowledge of respondent No.2 on 16.05.2011 that false applications have been given by the petitioners and, if it is taken that cause of action has arisen on 16.05.2011, then the presentation of Calandra in the year 2014 is clearly time barred. In the application Annexure P-1, it is also mentioned by respondent No.2 that now despite of the fact that police authorities have reached to a conclusion that the complaints submitted by the aforesaid persons (petitioners) are false and frivolous one, yet no action against the aforesaid persons as provided under Section 182 IPC is recommended.

The offence under Section 182 IPC is punishable with maximum sentence of six months or fine or both. As per Section 468 Cr.P.C., the period of limitation for presentation of challan is one year only.

Therefore, the presentation of challan after one year is clearly time barred.

Hence, without discussing other facts, on this ground alone, the Calandara

as well as summoning order are liable to be quashed.

Therefore, finding merit in the present petition, the same is allowed. The Calandra under Section 182 IPC (report No.39 dated 25.06.2014) Police Station B Division, Amritsar and order dated 31.07.2014 passed by learned JMIC, Amritsar, are hereby quashed.

September 27, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No