

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

235

CRM-M-14517 of 2016

DATE OF DECISION:06.10.2017.

Amandeep Singh

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. KBS Mann, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Shekher Dhawan, J. (Oral)

Present petition under Section 482 Cr.P.C. is for quashing of Calandra under Section 182 IPC titled as 'State Vs. Amandeep Singh' vide DDR No.26 dated 11.05.2011 registered at Police Station Kabarwala, District Muktsar Sahib.

The relevant facts for the purpose of decision of present petition are that initially a complaint was made to the police by Amandeep Singh alleging commission of offence under Sections 324, 452, 34 IPC, which information was found to be incorrect by the police and on that basis Calandra against the petitioner was filed before the Court.

On the same set of facts, the complainant filed a complaint under Sections 323, 324, 340, 294, 506 read with Section 34 IPC before the Court and after leading preliminary evidence and its judicial appreciation by learned Magistrate, the summoning order dated 04.07.2015 (Annexure P-2) was passed.

Learned counsel for the petitioner contended that as the version of the complainant has been found to be incorrect by the police but after judicial appreciation, filing of Calandra and maintainability thereof is not legal one. Reliance on this point has been placed upon judgment of co-ordinate Bench of this Court in *Vishal Singla vs. State of Haryana and others, 2012(3) R.C.R. (Criminal) 354* and *Ramesh Chand vs. State of Haryana, 2006 (4) R.C.R. (Criminal) 718.*

Having considered the matter in its entirety that the version made by the complainant by way of private complaint before the Magistrate has been found to be correct by now and as such, Calandra on the same facts filed by the police is legally not maintainable and the present petition is accepted. Calandra under Section 182 IPC titled 'State Vs. Amandeep Singh' vide DDR No.26 dated 11.05.2015 registered at Police Station Kabarwala, District Muktsar Sahib. and subsequent proceedings arising therefrom are quashed.

(SHEKHER DHAWAN)
JUDGE

06.10.2017.

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Whether speaking/reasoned	:	YES/NO
Whether reportable	:	YES/NO