

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

**CRM No.M-22725 of 2008 (O&M)
Date of Decision: December 14, 2017**

Paramjit Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Arun Jindal, Advocate
for the petitioners.

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

Ms.Rupinder Kaur Thind, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Surjit Singh for quashing the FIR No.72 dated 10.06.2006 under Sections 447, 427, 148 and 149 IPC, registered at Police Station Beas, District Majitha and the subsequent proceedings arising out of the said FIR.

Notice of motion was issued. 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 FIR No.72 has been got registered

on 10.06.2006 under Sections 447, 427, 148 and 149 IPC . None of these offences is punishable with imprisonment of more than three years.

Section 468 Cr.P.C. provides as under:-

468. Bar to taking cognizance after lapse of the period of limitation.

(1) Except as otherwise provided elsewhere in this Code, no court, shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.

(2) The period of limitation shall be-

(a) Six months, if the offence is punishable with fine only;

(b) One year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) Three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

¹*[(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.]*

As per provisions of above Section, the limitation for taking cognizance is three years.

Section 469 Cr.P.C. provides as under:-

469. Commencement of the period of limitations.

(1) The period of limitation, in relation to an offence, shall commence, –

(a) On the date of the offence; or

(b) Where the commission of the offence was not known to the person aggrieved by the offence or to any police officer, the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier; or

(c) Where it is not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the police officer making investigation into the offence, whichever is earlier.

(2) In computing the said period, the day from which such period is to be computed shall be excluded.

I have gone through the complaint, which is placed on record, along with the copy of the challan. The possession has been taken forcibly in the year 1999 and the FIR was got registered in the year 2006, which on the face of it, is time barred. No Court can take cognizance under Section 468 Cr.P.C.. Otherwise also, there is no explanation as to why the complainant remained silent for 7 years when he was forcibly dispossessed.

Keeping in view the above discussion, I find that registration of the present FIR is nothing but abuse of process of law and otherwise also, it is time barred.

Therefore, finding merit in the present petition, the same is allowed. FIR No.72 dated 10.06.2006 under Sections 447, 427, 148 and 149 IPC, registered at Police Station Beas, District Majitha and all the subsequent proceedings arising therefrom, are hereby quashed.

December 14, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No