

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-19479 of 2017

.....

Date of decision:26.5.2017

Kabal Singh

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Balbir Singh Jaswal, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. for directing respondents No.2 and 3 to look into the request of the petitioner dated 7.9.2016 (Annexure-P.4), another request dated 3.2.2017 (Annexure-P.5) as requested by the petitioner as the private respondents No.5 to 8 in connivance with Police of Police Station Sultanwind got registered a false FIR No.81 dated 15.5.2011 under Section 420 IPC at Police Station Sultanwind, District Amritsar (Annexure-P.1) which was later on cancelled due to the intervention of the Punjab State Human Rights Commission. It has further been prayed to safeguard the fundamental rights of the petitioner granted under Article 21 of the Constitution of India with a further prayer for seeking directions to respondent No.3 to protect the life and property of the petitioner's family from the Police of Police Station Sultanwind as the petitioner is pressing the higher authorities to take action

for the registration of false case.

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

In the representation (Annexure-P.4), the petitioner has requested the Commissioner of Police, Amritsar to take action against the accused Kulbir Singh Kahlon, Baljit Singh etc., who in connivance with each other, have played a fraud with the petitioner by preparing false documents and then lodged the FIR against the applicant which was later on cancelled as the signature on the document were not tallied with the signature of the applicant.

At the time of arguments, learned counsel for the petitioner argued that the Police should file calendra in the present case.

The FIR is stated to be of the year 2011 and the Police has already filed the cancellation report more than one year from now. The calendra can be filed by the officer to whom the false complaint etc. has been filed, but the S.H.O. has not filed any proceedings under Section 182 IPC. Now the remedy for initiating the proceedings under Section 182 IPC is time barred.

Therefore, finding no merit in the present petition, the same is dismissed.

However, the petitioner is at liberty to avail any other remedy whatever available to him.

May 26, 2017.

(Inderjit Singh)
Judge

hsp

[3]

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No