

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

CRM No.M-22999 of 2017 (O&M)

Date of Decision: November 07, 2017

Ravinder Singh and others

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.N.S.Sodhi and Ms.Harjot Kaur, Advocates
for the petitioners.

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

Mr.Sarju Puri, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondent State of Punjab for quashing the Calendra under Section 182 IPC and all subsequent proceedings arising therefrom.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant 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.

As per Calendra, the cross version given by the present petitioners to the police was found false during investigation, therefore,

Calendra under Section 182 IPC was filed by the police against the

petitioners.

Learned counsel for the petitioners argued that one of the petitioner namely Ranjit Singh filed a criminal complaint under Sections 323, 324, 325, 326, 506 and 34 IPC and the accused have been summoned by learned Judicial Magistrate Ist Class, Phillaur vide order dated 13.06.2017, copy of which is at Annexure P-3. This fact is admitted by learned counsel for the complainant of the present case. Learned counsel for the petitioners argued that complaint filed by Ranjit Singh is regarding the cross-version on similar facts, which the police stated as a false version.

Learned counsel for the petitioners contended that when the Court has summoned the accused finding sufficient ground to summon them in the complaint, then the Calendra proceedings are liable to be quashed and in support of his arguments, they relied upon the law laid down by this Court in CRM No.48070-M of 2006 titled as Tarlochan Singh vs. State of Punjab, decided on 17.04.2007, in which, police found that complaint was false and filed Calendra under Section 182 and when the complainant filed private complaint on same facts before Magistrate, the proceedings under Section 182 IPC were quashed and it is held that prosecution of the petitioner under Section 182 IPC during the pendency of his complaint on the same facts and allegations as mentioned in the FIR, would be an abuse of process of the Court. On similar facts, learned counsel for the petitioners cited judgment passed by this Court in CRM No.15047-M of 2004 titled as Ramesh Chand vs. State of Haryana, decided on 22.09.2006. I have gone through the above-cited judgments and the same fully apply to the facts of the present case.

Therefore, finding merit in the present petition, the same is

allowed. The Calendra under Section 182 IPC case No.0000257 of 2016 tilted as State vs. Ravinder Singh and others and all subsequent proceedings arising therefrom, are hereby quashed.

November 07, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No