

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

**CRR-1507-2009 (O&M)
Decided on: 04.05.2017**

Balbir Kaur

.... Petitioner

Versus

State of Haryana & others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Amaninder Preet, Amicus Curiae,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

None for respondents No.2 to 7.

Sudip Ahluwalia, J. (Oral)

By the impugned judgment passed by the Ld. CJM Tohana, the private respondents were acquitted of the offence under Section 182 of the IPC. The allegation against them was that they had furnished certain false statements/affidavits in the office of the Deputy Commissioner, Fatehabad. Consequently, acting on the complaint of the Deputy Commissioner, the Police conducted investigation and submitted its Prosecution Report against the private respondents. They were, however, acquitted by the Ld. Trial Court by the impugned judgment passed on 21.08.2008.

Ld. Amicus Curiae appointed on 17.01.2017 to assist the Court in the absence of anyone from the side of the petitioner has in all fairness conceded that the impugned judgment of acquittal suffers from no infirmity.

Under Section 195(1)(a)(i), Cr.P.C., “no Court can take cognizance of any offence punishable under Sections 172 to 188 IPC (i.e. including the offence under Section 182) except on the complaint in writing of that Court or such officer of that Court has authorised in writing in this behalf.” So in the given circumstances, the prosecution tendered before the Ld. Trial Court by the police authorities since its very inception was clearly *non-est*.

The private respondents were, therefore, rightly acquitted by the Ld. Trial Court.

No case is made out to interfere with the impugned decision of the Trial Court.

Dismissed.

The Court also at this juncture records its appreciation for the able assistance rendered by the Ld. Amicus Curiae.

(SUDIP AHLUWALIA)
JUDGE

04.05.2017
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No