

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

**CRR-3965 of 2016(O&M)
Dated: 24.10.2017**

Dr. Ramesh Singh @ Rangeela

.....Petitioner

vs.

State of Punjab and another

.....Respondents.

CORAM: HONBLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Amandeep S. Manaise, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl.AG, Punjab.

Mr. S.S.Virk, Advocate
for respondent No.2

SUDIP AHLUWALIA J. (ORAL)

In this application the petitioner seeks quashing of order passed by Ld. Additional Sessions Judge, Fazilka on 19.05.2016 in CRR No.90 dated 14.10.2015.

Vide the impugned order, an earlier passed by learned JMIC in criminal case No.78-1 of 07.10.2014 on 04.09.2015 was set aside. The Ld. JMIC by his aforesaid order had discharged the petitioner from Kalandra submitted against him under Section 66 of the Police Act, 2008. It may be mentioned that such proceedings had been initiated against the petitioner as the Police authorities were of the view that he had been making flimsy complaints against his neighbours Sambhu Singh who happens to be a police constable, and others.

The Ld. Court of Sessions however did not agree with the decision of the Ld. JMIC and set aside the concerned order dated 04.09.2015 with the further direction upon the Trial Court to proceed

further with the Kalandra in accordance with law.

It now transpires that in the meantime the petitioner had separately filed a private complaint against his neighbours Sambhu Singh and others being complaint case No.102-1 dated 15.10.2014. The Ld. Judicial Magistrate on 25.01.2016 after initially entertaining the complaint directed issuance of summons upon the accused persons under Sections 323, 350, 351, 148, 149 of IPC on 25.01.2016

Having gone through the impugned order passed by the Ld. Sessions Court, this Court finds no apparent infirmity in the same. To that extent the petitioner's prayer for setting aside the aforesaid order does not appear to be tenable.

In the overall circumstances, therefore, the proper courses vis-a-vis the pending proceedings involving the contesting parties would be to ensure that the same are heard together by one single Court of competent jurisdiction. As cognizance in the private complaint case is already taken by the Ld. JMIC, so it would be in the fitness of things that the complaint filed by the petitioner be first fought on merits and its ultimate fate would thereafter affect the proceedings in relation to the pending Kalandra under Section 66 of the Police Act.

The matter is therefore disposed of with a direction upon the Ld. Chief Judicial Magistrate, Fazilka to transfer the pending Kalandra from the Court of Ld. JMIC, Jalalabad (West) to the other Court of similar nomenclature of the same station where the petitioner's complaint case is pending.

(SUDIP AHLUWALIA)
JUDGE

24.10.2017

dharamvir