

250

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

CRM-M-17774-2011 (O&M)

Date of decision: 07.08.2018

Davinder Singh and others**..... Petitioners****Versus****State of Punjab and others****..... Respondents****CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Ravi Malhotra, Advocate for
Mr. Rajesh Punj, Advocate
for the petitioners.

Mr. Amandeep Singh Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing of Calendra No. 10 dated 15.02.2011 under Sections 182, 427 & 120-B of the IPC (Annexure P-4) .

Briefly, the petitioner lodged FIR No. 112 dated 09.06.2005 at Police Station City Rajpura which was cancelled by the police. Therefore, petitioner No. 2 filed a criminal complaint under Sections 420, 406, 465, 467, 468, 471, 474, 506, 323, 341 and 120-B of the IPC before the Illaqa Magistrate against the private respondents, wherein police, after investigation, filed cancellation report against three persons, namely Raghbir Singh, Megha Singh and Gurdas Singh.

Being aggrieved, the petitioner filed complaint before the Ilaka Magistrate under Sections 420, 406, 465, 467, 468, 471, 474, 506, 323, 341 & 120-B IPC (Annexure P-1). During the pendency of the said complaint the police filed Calendra No. 10/15.2.11 under Sections 182, 427 and 120-B

IPC(Annexure P-4) impugned here in against the petitioners.

Learned counsel for the petitioners referring to the judgment of this Court in case of ***Tarlochan Singh Versus State of Punjab; 2007(3) RCR (Criminal) 791***, contends that during the pendency of the private complaint, filing of the aforesaid calendra under Sections 182, 427 and 120-B IPC against the petitioners is a gross abuse of process of Court.

Learned State counsel has not cited any law contrary to the above citation.

Considering overall facts and circumstances and having considered the submissions of learned counsel for the parties and ratio of law settled in judgment ***Tarlochan Singh's case (Supra)***, Calendra No. 10 dated 15.02.2011 is quashed.

The petition stands disposed of.

7th August, 2018
shabha

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No