

Smriti
2018-05-16 09:53
I attest to the accuracy and
integrity of this document

**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-28293-2016 (O&M)
Date of Decision: 11.05.2018**

Anuj Kher

...Petitioner

V/S

State of Haryana and Ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana

ARVIND SINGH SANGWAN, J. (Oral):

Prayer in this petition is for quashing of Kalendra dated 15.06.2011 filed under Section 182 IPC as well as the subsequent proceedings pending before the trial Court against the petitioner on the ground that when the cancellation report was submitted in FIR No. 140 dated 18.06.2010 under Sections 403/406/415/420/34 and 120-B IPC, registered at Police Station Sector 40 Gurugram, the aforesaid Kalendra was also submitted before the trial Court.

While issuing notice of motion, it was observed that there was no occasion for the police to resort to proceedings under Section 182 IPC because after filing of the cancellation report, in the FIR, the Magistrate treated it as a complaint and the petitioner is leading evidence in that. It was further ordered that meanwhile, the trial Court will adjourn the case beyond the date fixed by this Court.

The learned State counsel, on instructions from HC Ravinder Singh, has not disputed the fact that cancellation report in the FIR is not accepted by the trial Court till date and it is being treated as a complaint case.

In view of the above, this petition is disposed of with a direction to the trial Court to adjourn the proceedings under Section 182 IPC sine die awaiting the decision of final outcome by the trial Court in FIR No. 140 dated 18.06.2010 under Sections 403/406/415/420/34 and 120-B IPC, registered at Police Station Sector 40 Gurugram and decide the proceedings thereafter.

**(ARVIND SINGH SANGWAN)
JUDGE**

11.05.2018

smriti

Whether speaking/reasoned : Yes/No.

Whether Reportable : Yes/No