

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

201

CRM-M-17210-2016(O&M)

Date of Order: 02.09.2019

Dharampal

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bhupinder Banga, Advocate, for the petitioner.
Mr. SPS Tinna, Addl. A.G., Punjab

ANIL KSHETARPAL, J(Oral)

Prayer in the petition is for quashing of criminal proceedings initiated under Section 182 Cr.P.C. arising from Rapat No.18, dated 05/06.02.2015 registered at Police Station, Kheri Gandian, District Patiala.

Learned State counsel has informed the court that the petitioner lodged as many as 6 false complaints which after enquiry were found to be false. It was because of this reason proceedings under Section 182 Cr.P.C were initiated.

Learned counsel for the petitioner has submitted that since on the similar allegations, petitioner had filed a criminal complaint, in which after finding *prima facie* case, the court has summoned the accused, therefore, proceedings under Section 182 Cr.P.C. cannot continue. He relies upon a judgment passed by the Court in the case of **Tarlochan Singh vs. State of Punjab, 2007(3) RCR(Criminal), 791.**

On the other hand, learned State counsel has submitted that proceedings under Section 182 Cr.P.C. were initiated vide Rapat No.18 dated 05/06.02.2015, whereas criminal complaint was filed on 16.06.2015. Hence, he submitted that in the present case, the proceedings were not initiated during the pendency of the complaint.

This court has considered the submissions.

In the present case, it is not in dispute that the proceedings under Section 182 Cr.P.C were not initiated during the pendency of the criminal complaint. In fact, criminal complaint was filed after a period of more than 4 months from the date Rapat No.18 was registered.

Learned counsel for the petitioner could not bring to the notice of this court any statutory bar prohibiting the Investigating Agency to initiate proceedings under Section 182 Cr.P.C..

In the case of **Tarlochan Singh(supra)**, the Court had held that initiation of proceedings would amount to pre-judging the criminal complaint. It is not clear from the reading of the judgment as to whether criminal complaint was already pending when report under Section 182 Cr.P.C. was filed or not.

In any case, there is no pre-judging of the criminal complaint. The correctness of allegations made in the criminal complaint would be examined at the time when final judgment is to be delivered. Both are independent proceedings pending before the competent Courts at initial stage. This Court does find that why both the proceedings can not be allowed to continue simultaneously.

Hence, dismissed.

Needless to observe that the learned trial court would proceed with the case and decide the same in accordance with the evidence and without being influenced by the observations made by this Court.

September 02, 2019
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No