

CRM-M-26039-2013

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

CRM-M-26039-2013
Date of Decision:25.11.2019

Ajit Raj

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Navjinder Singh Sidhu, Advocate,
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

The petitioner has filed this petition under Section 482 of the Code of Criminal Procedure for quashing of Calendra dated 24.08.2012 (Annexure P-3) titled as 'State Vs. Ajit Raj', filed under Section 182 IPC and all the consequential proceedings arising therefrom, including the summoning order as well as notice dated 24.08.2012 (Annexure P-4) and the charge-sheet dated 27.11.2012 (Annexure P-7).

At the very outset, learned counsel for the petitioner points out that FIR No.88 dated 17.10.2010, had been registered at Police Station Old Shalley, District Gurdaspur, against Paramjeet Singh alias Bittu, Pritam Chand and 12 other unknown persons. Thereafter, Ahsa Rani wife of Pritam Chand had moved an application for re-investigation of the case in which Pritam Chand was declared innocent on 14.11.2010 by the Deputy

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Superintendent of Police. Thereafter, the proceedings under Section 182 IPC were initiated against the petitioner on 24.08.2012. It has been further pointed out that on the application under Section 319 Cr.P.C. moved before the trial Court, Pritam Chand was summoned on 26.04.2014 by the learned Chief Judicial Magistrate, Gurdaspur.

Learned counsel for the petitioner submits that once Pritam Chand has been summoned on the application under Section 319 Cr.P.C., then no case under Section 182 IPC is made out against the petitioner. On the said assertion, it is further submitted that it could not be said that the complaint on the basis whereof FIR had been registered, contained any false information. He further relies upon ***Ramesh Chand Vs. State of Haryana*** 2006(4) R.C.R.(Criminal) 718 and ***Karamjit Kaur Vs. State of Punjab*** 2012(6) R.C.R. (Criminal) 1799.

These facts have not been disputed by the learned State counsel.

In view of the above, the present petition is allowed. The Calendra dated 24.08.2012 (Annexure P-3) submitted by the police of Police Station Purana Shalla, District Gurdaspur, and all the consequential proceedings arising therefrom, including the summoning order as well as notice dated 24.08.2012 (Annexure P-4) and the charge-sheet dated 27.11.2012 (Anenxure P-7), are hereby quashed.

25.11.2019
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No