

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

**CRM-M-34303-2015
DATE OF DECISION:-29.01.2019**

RANJIT KAUR

...PETITIONER...

V.

STATE OF PUNJAB AND ORS.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Gaurav Singla, Advocate for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing order dated 23.11.2013 (P-2) of Judicial Magistrate Ist Class-cum-Presiding Officer Lok Adalat, Sunam, directing Incharge Police Station Dirba, District Sangrur-respondent No.2 to initiate proceedings as per rules and submit report within three months Kalandra under Section 182 IPC (P-3) registered by respondent No.2 and all other consequential proceedings against the petitioner.

In nutshell, petitioner lodged FIR No.77, dated 22.06.2012, under Sections 307 read with Section 34 IPC and Section 25 of the Arms Act, 1959 against respondents No.3 to 5, on the allegations that in the night of 21.06.2012, some unknown persons after getting the door opened of her house, manhandled with her brother-in-law.

Respondent No.3 with an intention to kill them, fired a shot from his 12

bore rifle, which hits on outer part of her right ankle. Thereafter, all the assailants fled away.

During investigation, allegations of the petitioner were found false. Therefore, cancellation report was filed. In the meantime, petitioner and private respondents had also patched up their dispute. Therefore, when the case was taken up in Lok Adalat, petitioner made a statement agreeing with the cancellation report. Consequently, cancellation report was accepted by Presiding Officer vide order dated 23.11.2013 (P-2).

However, Id. Magistrate simultaneously directed Incharge Police Station Dirba, District Sangrur-respondent No.2 to initiate proceedings against the petitioner for registering false case. Pursuant thereto, Incharge Police Station, Dirba registered kalandra under Section 182 IPC (P-3) against the petitioner .

After filing of this petition, a coordinate Bench of this Court vide order dated 08.10.2015 had directed the Presiding Officer/Judicial Magistrate Ist Class, Sunam to submit her comments, referring the statutory powers, under which, she directed Incharge Police Station, Dirba to initiate proceedings under Section 182 IPC while presiding over Lok Adalat.

Pursuant thereto, Ms. Balvinder Kaur Dhaliwal, Sub Divisional Judicial Magistrate, Sunam, at present, posted at Dera Bassi has submitted her comments, which are perused.

Ld. Sub Divisional Judicial Magistrate, Dera Bassi has not

given any satisfactory reply. Rather, she has cleverly tried to hush up the issue. She could not refer any specific provision under which, she could direct Incharge Police Station Dirba to launch proceedings under Section 182 IPC while presiding Lok Adalat.

Heard.

Having given thoughtful consideration to the submission made by learned counsel for the petitioner and considering over all facts and circumstances of the case, the petition is accepted and impugned order (P-2) and Kalandra (P-3) are quashed. As such, the same are set aside.

However, Ms. Balvinder Kaur Dhaliwal, Sub Divisional Judicial Magistrate, Dera Bassi is advised not to be so harsh with the litigants in future.

Registry is directed to transmit a copy of this order to concerned Judicial Magistrate.

29.01.2019

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whether speaking/reasoned:

whether reportable:

(RAMENDRA JAIN)
JUDGE

Yes/No

Yes/No