

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal-M-42399 of 2015

Date of Decision: November 06, 2019.

Yogesh Aggarwal

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Rajiv Kataria, Advocate and
Ms.Sunita Punia, Advocate, for the petitioner.
Mr.S.P.S.Tinna, Additional AG, Punjab.
Mr.B.S.Bhalla, Advocate, for respondent No.3.

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Anil Kshetarpal, J. (Oral)

Prayer in this petition is for quashing the criminal prosecution initiated by kalandra under Section 182 IPC.

Learned counsel for the petitioner has submitted that the proceedings initiated through the kalandra (Annexure P-10) is beyond time. He further submits that in the alleged false complaint filed by the petitioner, proper investigation have not been carried out by the police.

This Court has considered both the contentions, however, found no substance therein. The period prescribed for initiating proceedings under Section 182 IPC would begin to run from the date when complaint filed by the first informant-complainant is found false/incorrect. The limitation would not begin to run from the date the complaint was made. Section 182 IPC provides for initiation of proceedings for giving false information to the public servant to use his lawful power for unnecessary harassment or to the detrimental of another person. Obviously as and when

it is found that the information given is false, the time would begin to run in terms of Sections 468 and 469 Cr.P.C.

As regard the second argument, the same can be appreciated only on the basis of evidence to be led by the parties. Whether proper enquiry/investigation was carried or not, is a disputed question of fact which can only be appreciated after the parties have led their evidence. Hence, the petitioner is relegated to the remedy before the learned Magistrate where the complaint is pending.

The petition stands disposed of.

November 06, 2019
mohinder

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No