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

CRM-M-43737-2021 (O&M)
Date of decision : 15.12.2021

Lajinder Kaur and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Raman Chawla, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

CRM-42819-2021

Application is allowed, as prayed for.

Annexures P-20 to Annexures P-22 are taken on record, subject to all just exceptions.

Main case

This is a petition filed under Section 482 of Cr.P.C. for quashing of Calandra dated 10.10.2020 (Annexure P-4) registered under Section 195 of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) at Police Station Sadar Safidon, District Jind and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioners has submitted in the

judgment dated 11.12.2015 passed by a Coordinate Bench of this Court in case bearing **CRM-M-16933-2015** titled **Bishamber son of Daulat Ram Vs. State of Haryana**, it has been observed that when Calandra under Section 182 of the IPC is registered against the person who had filed a complaint initially, then in a situation where against the cancellation report, a criminal complaint/protest petition is filed and the accused in the original FIR is summoned, then the proceedings under Section 182 of the IPC cannot proceed. It is further submitted that in the present case, although protest petition has been filed but the summoning order has not been passed.

Keeping in view the above, learned counsel for the petitioners seeks permission of this Court to withdraw the present petition with liberty to file fresh petition after the trial Court passes an order summoning the accused in the original FIR.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

It is, however, clarified that the observations made in the present order would not make it incumbent upon the trial Court to pass the summoning order/order of further investigation in the protest petition and the proceedings in the protest petition would be carried on by the trial Court independent of the observations made in the present order, in accordance with law.

15.12.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No