

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

**CRM-M-13495-2015 (O & M)**  
**Date of decision: 05.04.2022**

Vineet Sood ..... Petitioner

V/s

State of Punjab and anr. ...Respondents

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Ms. Tanu Bedi, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab,  
for respondent No.1.

Mr. B.S. Bhalla, Advocate, for respondent No.2.

\*\*\*\*\*

**JASJIT SINGH BEDI, J. (Oral)**

The prayer in the present petition under Section 482 Cr.P.C. is for setting aside the order dated 16.10.2014 (Annexure P-26) passed by the Chief Judicial Magistrate, Ludhiana issuing notice to the petitioner on the *Kalendra* filed under Section 66 of the Punjab Police Act at Police Station Sarabha Nagar, Ludhiana vide Rapat No.17 dated 22.09.2014 (Annexure P-25).

2. The brief facts of the case are that the complainant/petitioner-Vineet Sood saw a person, namely, Raghav Jain, son of respondent No.2-Anil Jain, leave his house in the absence of any other family member and thereafter diamond tops and Rs.5 lacs were found missing.

Based on the above allegations, an FIR No.32 dated 12.02.2009

Ludhiana, came to be registered against Raghav Jain. It is mentioned in the FIR that the fact of stealing the diamond tops by Raghav Jain was brought to the notice of his father, namely, Mr. Anil Jain-respondent No.2, who was not returning the expensive jewellery article.

3. Pursuant to the arrest of Raghav Jain and recording of his disclosure statement, diamond tops are said to have been recovered from his house. A report under Section 173 Cr.P.C. dated 05.03.2009 was prepared against Raghav Jain for sending him to trial for the commission of the offence.

4. The respondent No.2-Anil Jain, father of Raghav Jain-accused, moved an application to the DIG, Ludhiana Range, Ludhiana for transfer of the enquiry from the Deputy Superintendent of Police, Sarabha Nagar, Ludhiana to some other officer. The investigation was marked to Snehdeep Sharma, Superintendent of Police, City-2, Ludhiana.

Mr. Snehdeep Sharma, Superintendent of Police, City-2, Ludhiana, **prepared the enquiry report dated 16.02.2010 (Annexure P-11) concluding therein that Raghav Jain was innocent** and, in fact, there was a love affair between him and the daughter of the petitioner. Certain other facts were mentioned regarding the recovery of diamond tops, etc.

Based on the aforementioned enquiry report, the SHO, Police Station Sarabha Nagar, prepared a cancellation report on 29.09.2010 (Annexure P-14). After due verification by senior officers, **the said cancellation report was presented on 11.06.2011 to the Court of the**

**Judicial Magistrate Ist Class in the presence of the accused as is clearly set out from the zimni orders (Annexure P-17).**

5. The matter kept on being adjourned in 2012 and 2013 as the complainant could not be served and on 06.01.2014, a protest petition (Annexure P-18) was filed by the petitioner.

6. On 09.05.2014, respondent No.2-Anil Jain moved an application (Annexure P-19) to the Deputy Commissioner of Police, Ludhiana, claiming that he had come to know on 20.05.2013 that a cancellation report had been submitted, and therefore, sought the initiation of proceedings under Section 182 IPC read with Section 66 of the Punjab Police Act against the petitioner for making false statements and falsely implicating his son Raghav Jain.

Based on the complaint of the respondent No.2 (Annexure P-19), the Deputy Commissioner of Police, Ludhiana, sought an opinion from the District Attorney and the District Attorney gave his opinion that as the case had been found to be false, therefore, the SHO may be directed to file a *Kalendra/complaint* under Section 66 of the Punjab Police Act. This opinion was approved by the Commissioner of Police, Ludhiana on 28.08.2014.

7. Meanwhile, the Judicial Magistrate Ist Class, Ludhiana, on an application being moved by the accused-Raghav Jain, referred the case to the Juvenile Justice Board on 01.08.2014.

8. In the meantime, a ***Kalendra vide Rapat No.17 dated 22.09.2014 (Annexure P-25)*** under Section 66 of the Punjab Police Act,

9. While the protest petition (Annexure P-18) was pending before the Juvenile Justice Board, the Chief Judicial Magistrate, Ludhiana, served notice to the petitioner on *Kalendra* to appear on 18.12.2014 vide order dated 16.10.2014 (Annexure P-26).

10. Meanwhile, on 20.11.2014, the Juvenile Justice Board accepted the cancellation report and dismissed the protest petition of the petitioner (Annexure P-27). The petitioner's appeal against the said order dated 20.11.2014 was dismissed on 15.04.2015 and the quashing petition against the same was dismissed as withdrawn.

11. The primary contention raised by the petitioner is that the filing of the *Kalendra* was beyond the period of limitation, and therefore, the Court could not have taken the cognizance of the same.

12. The State has filed a reply dated 15.09.2015, wherein the factual aspects regarding the veracity of the FIR at the instance of the petitioner-complainant had been disputed by stating that the allegations in the FIR were completely baseless and the version of the respondent No.2- Anil Jain and his son-Raghav Jain that the said Raghav Jain was involved with the daughter of the petitioner was, in fact, the truthful version. The State while submitting that the *Kalendra* had been filed within the period of limitation did not specifically controvert the provisions of the Cr.P.C. governing the issue of limitation and cognizance as set-out in the petition.

13. The respondent No.2 has also filed his response disputing the factual narration in the petition and reiterating the version as set-out by the

the issue of limitation and cognizance, it was argued that the period of limitation would begin after the cancellation report had been accepted.

14. I have heard the learned counsel for the parties at length.

15. Before proceeding in the matter, it would be useful to set-out the relevant provisions required for adjudication of the present case. The same are reproduced hereunder:-

**Section 182 IPC reads as under:-**

*‘182. False information, with intent to cause public servant to use his lawful power to the injury of another person.--Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant--*

*(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or*

*(b) to use the lawful power of such public servant to the injury or annoyance of any person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.’*

**Section 66 of the Punjab Police Act reads as under:-**

*‘66. False or misleading statements made to Police Officer:- Whoever makes a false Statement or a statement which is misleading in material particulars to a police officer for the purpose of obtaining any benefit shall, on conviction, be punished with imprisonment for a term, which may extend to*

*six months or with a fine, not exceeding rupees ten thousand or with both’.*

**Section 468 Cr.P.C. and Section 469 Cr.P.C. read as under:-**

***‘Section 468. Bar to taking cognizance after lapse of the period of limitation.***

***(1) Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.***

***(2) The period of limitation shall be--***

***(a) six months, if the offence is punishable with fine only;***

***(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;***

***(c) three years, if the offence is punishable with imprisonment for term exceeding one year but not exceeding three years.***

***(3) For the purposes of this section, the period of limitation in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.***

**“Section 469. Commencement of the period of limitation--**

***(1) the period of limitation, in relation to an offender, shall commence –***

***(a) on the date of the offence; or***

*(b) where the commission of the offence was not known to the person aggrieved by the offence or to any police officer, the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier; or*

*(c) where it is not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the police officer making investigation into the offence, whichever is earlier.*

*(2) In computing the said period, the day from which such period is to be computed shall be excluded.”*

16. This Court has dealt with the issue of limitation and cognizance in various judgments with respect to offences under Section 182 IPC. The same are reproduced hereinbelow:-

In the case of ‘**Jagraj Singh versus State of Punjab, (1993) 2 RCR (Criminal) 633**, this Court has observed as under:-

*“6. This is an admitted fact that enquiry was held in the case by Deputy Superintendent of Police, who came to the conclusion that case against Zora Singh, Sukhdev Singh etc. was false and on 5-8-1990 S.I Daya Singh made a report in the Rojnamcha and recommended action under Section 182 of the Indian Penal Code against the petitioner. The calendra was, however, presented in Court in July, 1992 i.e after about 23 months of the detection of the fact that FIR No. 64 of 1990 was false. Under Section 468 of the Code of Criminal Procedure the period of limitation for filing a Calendra under Section 182 IPC is one year because the punishment for the offence is prescribed upto six months or fine of Rs. 1000/- or both. The limitation started running from 5-8-1990 and no Court could take cognizance of the offence after the expiry of period of limitation”.*

In the case of *‘Harbhajan Singh Bajwa versus Senior Superintendent of Police, Distt. Patiala and another, (2000) 3 RCR (Criminal) 94*, this Court has observed as under:-

“3. Whenever any information is given to the authorities and when the said authority found that the averments made in the complaint were false, it is for the said authority to initiate action under Section 182 IPC. The offence under Section 182 IPC is punishable with imprisonment for a period of six months or with fine or with both. When the authorities themselves found in the years 1996 and 1997 after due investigation that the averments made by Ashwani Kumar in his complaint were false, it is for them to initiate proceedings immediately or within the prescribed period as **provided under Section 468 Code of Criminal Procedure. The acceptance of the cancellation report by the Court is immaterial. It does not save the limitation under Section 468 Cr. P. C.** which prescribes the period of one year for taking cognizance if offence is punishable, with imprisonment for a term not exceeding one year. Since the offence under Section 182 IPC is punishable with imprisonment for a period of six months only, the authority should file the complaint under Section 182 IPC within one year from the date when that authority found that the allegations made in the complaint were false. Since more than four years lapsed from the date when the authority found the allegations were false, no question of filing any complaint under Section 182 IPC at this belated stage arises.

\*\*\*

\*\*\*\*

\*\*\*\*

\*\*\*

“5. Therefore, it is the date for starting limitation when the investigating agency concludes the investigation and finds the averments in the complaint are false. The acceptance of cancellation report will not extend the time. Under Section 469 of the Code of Criminal Procedure, where the commission of the offence is not known to the person aggrieved by the offence or to any police officer

*the first day on which such offence comes to the knowledge of such person or any police officer, whichever is earlier. Therefore, when the police officer finds that the complaint was false, it is that date when the limitation starts.”*

This Court, in the case of **‘Gammi @ Gama versus State of Punjab and another, (2009) 2 RCR (Criminal) 1**, has held as follows:-

“9. After investigation of the FIR recorded on 2.2.2001, the cancellation report was filed before the Court on 15.4.2001. It can, thus, be said that by 15.4.2001, it was in the knowledge of police that false FIR has been registered by or at the behest of the petitioner. This was further given colour of falsehood, when complaint in this regard, in the form of calendra under Section 182 IPC, was filed on 12.8.2003. This was taken notice of by the Court on 25.8.2003 and notice issued to the petitioner and others. It can, thus, be stated that by 25.8.2003, the offence as well as offenders were known. Offence in this case was committed on the date when the false FIR was filed on 2.2.2001. By 15.4.2001, the offence and the offender were known. The complaint, thus, could be filed within one year from 15.4.2001. It was filed only on 12.8.2003. Thus, it can safely be stated that on date when the cognizance of the offence was taken by the Magistrate i.e. On 25.8.2003, the period of limitation, as prescribed under Section 468 Cr.P.C., had already expired. Section 468 Cr.P.C. would bar the Magistrate to take cognizance of the offence in this case.

10. *In State of Punjab v. Sarwan Singh*, 1981 CrL.L.J.722, the Hon'ble Supreme Court held that the object of *Criminal Procedure Code* in putting a bar of limitation on prosecution was clearly to prevent the parties from filing cases after a long time, as a result of which the material evidence may disappear and also to prevent abuse of the process of the court by filing vexatious and belated prosecutions long after the date of offence. Further, in *Moti Pathak*

*and others v. State of U.P., 1988(2) Crimes 659, it was observed that the plea of bar of limitation can be raised at any stage of proceedings and that even when it was not raised, the Magistrate should have considered his power and authority in the light of [sections 468 and 473 Cr.P.C.](#)*

*11. Learned counsel for the petitioner has also drawn my attention to a judgment of this Court in Harbhajan Singh Bajwa Vs. Senior Superintendent of Police, Distt. Patiala and another, 2000 (3) R.C.R. (Criminal) 94. This was a case almost identical to the facts in the instant case. The complaint lodged with the police was found to be false and cancellation report was submitted in the year 1997. The prosecution of the complainant was sought under Section 182 IPC. It was held by this Court that limitation of one year would start when the police filed cancellation report and not when the Magistrate accepted the cancellation report in October 1999. It was accordingly held that prosecution of this complaint would be barred under the provisions of Section 468 Cr.P.C. In case of Jagraj Singh Vs. State of Punjab, 1993 (2) R.C.R. (Criminal) 633, similar view was taken by this Court by holding that period of limitation of one year would start from the date when police found it to be false report. Thus, it can safely be concluded that cognizance of offence taken in this case by the Court would be barred by limitation as laid down under Section 468 Cr.P.C”.*

This Court, in the case of **‘*Sher Ali son of Lal Hussain versus State of Punjab through Home Secretary and another, (CRM-M-20262-2009 decided on August 05, 2010)*** has observed as below:-

*“6. After giving my thoughtful consideration, to the rival contentions, raised by the Counsel for the parties, in my considered opinion, the petition, is liable to be accepted, for the reasons, to be recorded, hereinafter. Undisputedly, FIR, was lodged, by one Nizamuddin, whose name was, later on, found to be false, and, on the*

*other hand, he was found to be Kaka. There is, no dispute, that enquiry, was held, by the Deputy Superintendent of Police (HQ), Ropar, and, he found, that the FIR, had been falsely lodged, by alleged Nijamuddin, in connivance with the petitioner, and other co-accused. The cancellation report, in the FIR, was prepared, on 15.04.01, and, it was submitted, in the Court, on that day. The Kalendra, was prepared, for taking action, against the petitioner and others, for lodging false complaint, and, was filed, on 12.08.03, in the Court of Chief Judicial Magistrate. The maximum punishment, provided for the offence, punishable under Section 182 IPC, is six months. The prosecution, therefore, could be launched, by way of filing the Kalendra, against the petitioner, within one year, from the date the cause of action accrued.*

*7. The perusal of the provisions of the aforesaid Sections, clearly goes, to show, that the period of limitation, in relation to an offence, would commence, from different dates, depending upon three situations, as noticed, in Section **469(a)(b)(c)**. Thus, the period of limitation, would commence, from the date of offence, or from some different dates, depending upon the knowledge about the offence or identity of the offender. The period of limitation, accordingly would commence, from the date of offence, if the identity of the offenders is known. After investigation of the FIR, recorded on 02.02.01, cancellation report, was filed, on 15.04.01 It means that, on 15.04.01, the respondents, came to know, that false FIR, had been got registered by alleged Nijamuddin, at the behest of the petitioner. Kalendra, under Section 182 IPC, therefore, could be filed, within a period of one year, from 15.04.01, when the respondents, came to know, with regard to the falsity of the FIR. On the other hand, it was filed, on 12.08.03, in the Court. The Court, issued notice, for 25.08.03 The Kalendra, having been filed, on 12.08.03, and, cognizance thereof, having been taken, on 25.08.03, it could be said, that the prosecution,*

*launched, was barred by limitation. In **State of Punjab v. Sarwan Singh, 1981, CrL L.J, 722**, the Apex Court, held that, the object of Criminal Procedure Code, in putting a bar of limitation, on prosecution, was clearly, to prevent the parties, from filing cases, after a long time, as a result whereof, the material evidence may disappear and also to prevent abuse of the process of Court, by filing vexations and belated prosecutions, long after the date of offence. In **Moti Pathak and others v. State of U.P, 1988(2), Crimes, 659**, it was held, that the plea of bar of limitation, can be raised, at any stage of proceedings, and, even when, it was not raised, the Magistrate, should have considered his power and authority, in the light of **Sections 468 and 473 Cr.P.C In Harbhajan Singh Bajwa v. Senior Superintendent of Police, District Patiala and another, 2000(2), RCR (Criminal), 94**, the complaint, was lodged with the Police. It was found to be false and cancellation report, was submitted, in the year 1997. The prosecution of the complainant, was sought, under Section 182 IPC. It was held, by this Court, that limitation of one year, would start, when the Police filed cancellation report and not when, the Magistrate, accepted the cancellation report, in October, 1999. It was, accordingly, held that the prosecution of the complaint, would be barred, under the **provisions of Section 468 Cr.P.C In Jagraj Singh v. State of Punjab, 1993(2), RCR (Criminal), 633**, a similar view, was taken, by this Court, by holding, that the period of limitation of one year, would start, from the date, when Police found it to be false report. Thus, it can safely be concluded, that the prosecution launched, in this case, was barred by limitation, as envisaged by **Section 468 Cr.P.C**, and, as such, the Court below, could not take cognizance of the offence, under Section 182 IPC. Continuation of Kalendra and the subsequent proceedings, therefore, would be nothing, but an abuse of the process of Court. The same, are liable, to be quashed.”*

In the case of ***‘Surjit Singh versus State of Punjab and another, (CRM-M-30364-2010 decided on September 05, 2011)*** this Court has observed as under:-

*“In the present case, admittedly, the cancellation report was prepared on 10.08.2022, whereas, the calendra under Section 182 IPC was presented on 25.10.2003. Thus, the calendra was presented after the expiry of the period of limitation. As per Section 468 Cr.P.C., the period of limitation shall be one year if the offence is punishable with punishment for a term not exceeding one year. The punishment for an offence under Section 182 IPC is an imprisonment which may extend to six months or with fine which may extend to 1,000/- rupees or with both. Thus, the calendra could have been presented within one year from the date when the investigating agency had concluded that the averments in the complaint were false. However, in the present case the calendra has been presented after the period of limitation as envisaged under Section 468 Cr.P.C”.*

In the case of ***‘Rajnish Kumar versus State of Punjab and another, (CRM-M-1184 of 2011 decided on January 17, 2012)***, this Court has observed as under:-

*“Another aspect of the case is that it came to the notice of the Station House Officer, Police Station Gardhiwala, District Hoshiarpur on 25.08.2006 that the contents of the application presented by the petitioner were false. This fact is clear from the bare perusal of the Kalendra (Annexure P1), which was prepared on 25.08.2006 but the same was presented before the Court on 24.01.2008 i.e beyond the period of one year. Therefore, it was filed beyond the period prescribed in Section 468 of the Code of Criminal Procedure. To support the above view, the reference can be made to*

*1981 SCC (Crl.) 625 State of Punjab v. Sarwan Singh, 1993(2) RCR(Crl.) 633 Jagraj Singh v. State of Punjab and 2009(2) RCR (Crl.) 1 Gammi @ Gama v. State of Punjab and another. The essence of above authorities is that period of limitation for filing the Kalendra under Section 182 IPC is one year.*

*In view of the above settled prepositions of law, the Kalendra (Annexure P1) titled Rajnish Kumar v. State of Punjab, pending before Judicial Magistrate Ist Class, Dasuya and consequential proceedings arising therefrom are hereby quashed”.*

This Court, in the case of **‘Manvinder Kaur and Others versus State of Punjab and another, (CRM-M-27175-2012 decided on January 22, 2013)** has made the following observations:-

*“The sole ground of challenge is that filing of this calendra is barred by limitation. According to the counsel for the petitioners, offence under Section 182 IPC was committed on the date, the false allegations were made by the petitioners in this FIR. The falsity of the allegations would be to the knowledge of the investigating agency when they prepared cancellation report. Obviously, this cancellation report was filed in the Court on 30.08.2010. Accordingly, the falsity of the allegation would be to the knowledge of the investigating agency with effect from this date when cancellation report was filed in the Court.*

*Section 468 Cr.P.C., regulates the period for taking cognizance and the period during which such cognizance can be taken. As per this Section, except as otherwise provided, no court, shall take cognizance of an offence of the category specified in sub- section (2), after expiry of the period of limitation. The period of limitation as provided under this Section, six months, if the offence is punishable with fine only; one year, if the offence is punishable with imprisonment for a term not exceeding one year; three years, if the*

*offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.*

*Accordingly, the counsel contends that the offence under [Section 182](#) IPC is punishable upto six months and as such limitation for taking cognizance of the offence under this Section would be one year as per the provisions made in [Section 468](#) Cr.P.C. How the period of limitation as to commence would be governed by [Section 469](#) Cr.P.C. This Section provides that period of limitation, in relation to an offence, shall commence on the date of the offence or where the commission of offence is not known to the person, aggrieved by the offence or to any police officer, the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier. In addition, where it is not known by whom the offence is committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the police officer making investigation into the offence, whichever is earlier.*

*The day, the cancellation report was submitted in the Court in the FIR lodged by petitioner No. 3, the police officer making investigation was in the knowledge that the offence of making false allegation has been committed. He would also have knowledge about the offender. Accordingly, the date the cancellation report was prepared or atleast submitted before the Court would be a day from which the limitation in this case would commence. Having submitted the cancellation report on 30.08.2010, the calendera in this case has been filed on 23.08.2012. This calendera could have been filed within a period of one year from the date of knowledge of offence and the offender. Since the same has been filed almost after two years, the plea of bar of limitation would certainly be available to the petitioners to challenge the said action of the respondents.*

*In support, the counsel for the petitioners has relied upon the case of Harbhajan Singh Bajwa versus Senior Superintendent of*

*Police, Distt. Patiala and another 2000 (3) R.C.R. (Criminal) 94, where this Court has viewed that the prosecution of complaint under [Section 182](#) IPC has a limitation for a period of one year and this would start when the police filed cancellation report and not when the Magistrate accepted the cancellation report. The same issue was considered in the case of Gammi @ Gama versus State of Punjab and another 2009 (2) R.C.R. (Criminal) 1. The judgment passed in this case of Harbhajan Singh Bajwa (supra) was followed in this case. The relevant observation may be noted here as under:-*

*" After investigation of the FIR recorded on 2.2.2001, the cancellation report was filed before the Court on 15.4.2001. It can, thus, be said that by 15.4.2001, it was in the knowledge of police that false FIR has been registered by or at the behest of the petitioner. This was further given colour of falsehood, when complaint in this regard, in the form of calendra under [Section 182](#) IPC, was filed on 12.8.2003. This was taken notice of by the Court on 25.8.2003 and notice issued to the petitioner and others. It can, thus, be stated that by 25.8.2003, the offence as well as offenders were known. Offence in this case was committed on the date when the false FIR was filed on 2.2.2001. By 15.4.2001, the offence and the offender were known. The complaint, thus, could be filed within one year from 15.4.2001. It was filed only on 12.8.2003. Thus, it can safely be stated that on date when the cognizance of the offence was taken by the Magistrate i.e. on 25.8.2003, the period of limitation, as prescribed under [Section 468](#) Cr.P.C., had already expired. [Section 468](#) Cr.P.C. would bar the Magistrate to take cognizance of the offence in this case."*

*In view of above legal position, the limitation for taking cognizance in this case would commence from 30.08.2010 when cancellation report was submitted. On this date, the police officer*

*knew the commission of offence under Section 182 IPC. It is clear that the calendera in this case has been filed beyond the period of limitation. The same, therefore, cannot be sustained. The petition is allowed. The calendera and all subsequent proceedings pending against the petitioners are hereby quashed”.*

In the case of ‘**Ajay Kumar Jain and others versus State of Punjab and another (CRM-M-28446 of 2013 decided on September 10, 2015)**, this Court has observed as under:-

“6. At the time of arguments, this fact is admitted by the learned State counsel that Calendra was prepared on 14.05.2010 and it was presented before the learned Sub Divisional Judicial Magistrate, Malerkotla, on 18.2.2013. As the Calendra was prepared on 14.5.2010, so at least it can be said that at that time the Police was in the knowledge regarding the commission of the offence under Section 182 IPC. The period of limitation for presentation of Calendra is one year only. But this Calendra has been presented on 18.2.2013 as per Annexure P-3 i.e. beyond the period of limitation. Section 469 Cr.P.C. states that the cause of action will arise when the fact came to the knowledge of the person or of the Police officials. The Police already came to the knowledge of these facts regarding commission of offence under Section 182 IPC. The Calendra was prepare on 14.5.2010 and the same was presented on 18.2.2013 beyond the period of limitation and is time barred.

7. Therefore, the Calendra being time barred, this petition is allowed and the Calendra and all subsequent proceedings are hereby quashed”.

17. A perusal of the aforementioned judgments would show that in

limitation for filing a *Kalendra* shall be one year if the offence is punishable with the imprisonment for a term not exceeding one year and the said period of limitation will commence in terms of Section 469(b) Cr.P.C. on the day when the said offence comes to the knowledge of such person or to a police officer.

18. In the present case, for an offence under Section 182 IPC, the sentence of imprisonment may extend to six months. The same is the punishment prescribed under Section 66 of the Punjab Police Act. Meaning thereby that the bar to take cognizance shall be one year from the date of the offence or from the date of which such offence came to the knowledge of a person/police officer.

19. In the present case, the Superintendent of Police, City-2, Ludhiana, first came to the knowledge that the FIR had been wrongly **registered on 16.02.2010 (Annexure P-11). Thus, the cognizance of the offence could not be taken after 16.02.2011.**

**In the alternative, the cancellation report was actually presented before the Judicial Magistrate Ist Class in June, 2011 and once again, the cognizance was barred after June, 2012.**

The respondent No.2-Anil Jain was aware of this handicap, and therefore, in his application dated 09.05.2014 (Annexure P-19), he stated that he had discovered that the cancellation report had been filed on 20.05.2013 to bring the fact of his knowledge within the time period of one year. However, this version of the respondent no.2 is completely contrary to the record.

A perusal of Annexure P-17 i.e. the zimni orders of the Court of the Judicial Magistrate Ist Class would show that on 11.06.2011 when the cancellation report was submitted in the Court, the accused i.e. Raghav Jain, son of respondent No.2-Anil Jain, was present in the Court. He was also present in the Court on the next date of hearing i.e. 15.06.2011. Thus, the version of respondent No.2 that he became aware of the cancellation report only on 09.05.2014 is completely incorrect. Therefore, the respondent No.2 could have also initiated the filing of the *Kalandra* only upto June, 2012 whereas he filed a complaint only on 09.05.2014 (Annexure P-19).

20. This Court need not go into the merits and demerits of the allegations as set-out by the petitioner and controverted by the respondents.

21. Suffice it to say that the filing of the *Kalendra* on 22.09.2014 (Annexure P-25) more than three years after the presentation of the cancellation report on 11.06.2011 is barred by limitation, and therefore, the Court could not have taken cognizance and issued notice to the petitioner-complainant vide order dated 16.10.2014 (Annexure P-26). The argument that the period of limitation for filing a *Kalandra* will begin after the cancellation report has been accepted, therefore, is liable to be rejected in light of Sections 468/469 Cr.P.C. and the relevant case law.

In view of the above, the present petition is allowed and the order dated 16.10.2014 (Annexure P-26) and the *Kalendra* dated 22.09.2014 (Annexure P-25) are hereby quashed.

April 05, 2022  
sukhpreet

( JASJIT SINGH BEDI)  
JUDGE