

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

**CRM-M-13388-2021
Date of decision: 10.08.2022**

JASWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. Tahaf Bains, Advoate for the petitioner.

Mr. Amit Mehta, Sr. Deputy Advocate General, Punjab.

Mr. Naresh Lalit, Advocate for the complainant.

This is a petition for quashing of the summoning order dated 25.02.2021 passed by the Judicial Magistrate 1st Class, Fatehgarh Sahib in CRM-506 of 2020 titled as State Vs. Jaswinder Singh and also for quashing of the Kalandra under Section 182 Cr.P.C. dated 03.10.2020.

By issuing notice of motion on 23.02.2021, following order was passed by:-

*“Submits inter alia that after investigation allegations in the FIR lodged by the Petitioner were found to be without substance, on account of which a Cancellation Report along with a Kalandra seeking action against the Petitioner for filing a false Complaint was filed in the Ld. Trial Court. Such Cancellation Report was not accepted by the Ld. Judicial Magistrate 1st Class, Fatehgarh Sahib, as can be seen from the relevant order (Annexure P-2) passed on 18.12.2020. Nevertheless, proceedings on the basis of the Kalandra were continued by way of summoning the Petitioner by the same Judicial Magistrate 1st Class, which ex-facie is improper and *

illegal, since the FIR lodged by him at present is still under further investigation.

Notice of motion.

Mr. Ramandeep Sandhu, Sr. Dy. Advocate General, Punjab to accept notice on behalf of Respondent No.1/State. A copy of the Paperbook be supplied to him.

Adjourned to 28.05.2021.

Respondent No.2 be notified for the date fixed.

In the meantime, further proceedings arising out of the concerned Kalandra under Section 182 of the IPC (Annexure P-4) shall remain stayed.”

Counsel for the State on instructions submits that the Cancellation Report was not accepted by the Court and matter is still under investigation.

In view of the fact that the complaint made by the petitioner is being investigated, issuance of Kalandra for getting false FIR registered cannot be sustained.

In view of the above, summoning order and Kalandra are set aside.

Disposed of.

Needless to say, if cause of action so arises, State would be at liberty to avail remedy in accordance with law.

August 10, 2022
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(AVNEESH JHINGAN)
JUDGE

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