

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29192-2020 (O & M)
Date of decision: 11.08.2023

Harminder Singh and anr.

..... Petitioners

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Preetinder S. Ahluwalia, Advocate, for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of *Calandra* No.142-1 dated 18.08.2020 (Annexure P/1), under Section 182 IPC pending in the Court of Sub Divisional Judicial Magistrate, Safidon.

2. The brief facts of the case are that an FIR No.606 dated 07.10.2018 came to be registered at Police Station Safidon, District Jind for the offences under Sections 307, 341, 506, 148 and 149 IPC and Sections 25/27 of the Arms Act at the instance of petitioner No.1/Harminder Singh.

During the course of investigation, Section 307 IPC was deleted on 18.10.2018 and the report under Section 173(2) Cr.P.C. came to be presented on 20/30.07.019 under Sections 341, 506, 323 and 34 IPC. Copies of the FIR No.606 dated 07.10.2018 and the report under Section 173(2)

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Cr.P.C. dated 20/30.07.2019 are annexed as Annexure P-2 and P-3 to the present petition.

3. Thereafter, the instant *Calandra* came to be submitted against the petitioners under Section 182 Cr.P.C. on 18.08.2020 on the ground that the investigating agency had found that the allegations regarding the commission of an offence under Section 307 IPC were false. A copy of the *Calandra* dated 17/18.08.2020 is annexed to the present petition as Annexure P-1).

The aforesaid *Calandra* (Annexure P-1) is under challenge in the present petition.

4. The learned counsel for the petitioners has raised three-fold submissions. He, firstly, contends that the FIR (Annexure P-2) came to be registered on 07.10.2018. The investigating agency had *prima facie* come to the conclusion that no offence under Section 307 IPC was made out on 18.10.2018. The report under Section 173(2) Cr.P.C. had been submitted (Section 307 IPC had been deleted) on 20/30.07.2019 and the *Calandra* had been filed on 18.08.2020. A combined reading of Section 182 IPC alongwith Section 468 Cr.P.C. would show that the said *Calandra* had been filed beyond the period of limitation as the maximum sentence that could be imposed under Section 182 IPC was 06 months, and therefore, the *Calandra* ought to have been filed within a period of one year from the time the offence had been known to have been committed. The investigating agency was aware of the fact that no offence under Section 307 IPC was made out either on 18.10.2018 or 20/30.-7.2019. In either case, as the

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Calandra had been filed on 18.08.2020, the same was barred by the limitation, and therefore, the *Calandra* was liable to be quashed.

Secondly, he contends that as a private complaint (Annexure P-4) had been instituted before the Court of a competent jurisdiction at the instance of the petitioners (original complainants), the present proceedings under Section 182 IPC could not be allowed to continue.

Thirdly, he contends that as per the report of the FSL, Madhuban dated 01.12.2019 (Annexure P-5) a badly deformed and mutilated fired bullet was recovered from the dashboard of the vehicle. The crime scene visit report also referred to an entry hole on the left side of the dashboard of the vehicle and another report of the FSL Team, Madhuban had shown that a bullet projectile had been fired downward from outside the vehicle into the driver side window of the car. Therefore, *prima facie* an offence under Section 307 IPC was made out, and therefore, the present proceedings were liable to be quashed. Reliance is placed upon the judgments in 'Vineet Sood versus State of Punjab and another (CRM-M-13495-2015 decided on 05.04.2022), Bhagwant Kishore versus State of Punjab and another (CRM-M-44329-2016 decided on 17.02.2023), Gurdeep Singh versus State of Punjab (CRM-M-26017-2019 decided on 06.12.2022) and Inderjit Dhamija versus State of Haryana, 2023(1) Law Herald 810'

5. The learned counsel for the State, on the other hand, had filed a reply 25.12.2020 by way of an affidavit of Ajit Singh Shekhawat, IPS, Assistant Superintendent of Police, Safidon, which is already on record.

Though a detailed reply has been filed enumerating the facts and

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circumstances of the case, there is no specific denial to any of the contentions raised by the petitioners either in the reply or in the arguments of the learned counsel for the State. He fairly admits that the FIR came to be registered on 07.10.2018. The report under Section 173(2) Cr.P.C. stood filed on 20/30.07.2019 and the *Calandra* came to be instituted on 18.08.2020.

6. I have heard the learned counsel for the parties.

7. 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 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.”

8. 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 ***‘Vineet Sood versus State of Punjab and another (CRM-M-13495-2015 decided on 05.04.2022’***, this Court held as under:-

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

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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.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 terms of Section 468 Cr.P.C read with Section 469 Cr.P.C. the period of limitation for filing of 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 on which such offence came to the knowledge of a person/police officer.

9. In the instant case, the FIR came to be registered on 07.10.2018. As per the contentions raised by the petitioner, the offence under Section 307 IPC stood deleted on 18.10.2018. Be that as it may, the report under Section 173(2) Cr.P.C. was certainly filed on 20/30.07.2019 after the deletion of Section 307 IPC. Therefore, it was apparent that at least on the date when the challan was submitted after the deletion of Section 307 IPC, the concerned officers were deemed to have the knowledge of the fact that an offence under Section 182 IPC might have been committed as regards the offence under Section 307 IPC. The *Calendra* has been filed on 19.08.2020. Therefore, going by the date of the report under Section 173(2) Cr.P.C. which is 20/30.07.2019, the *Calendra* ought to have been filed prior to 01.08.2020. However, the instant *Calendra* came to be filed only on 18.08.2020. Therefore, it is apparent that the *Calendra* was filed more than one year after the presentation of the report under Section 173(2) Cr.P.C. wherein the offence under Section 307 IPC had been deleted, and therefore, the Court could not have taken cognizance and issued notice to the

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10. In view of the above discussion, the present petition is allowed and the *Calandra* No.142-1 dated 18.08.2020 (Annexure P/1) under Section 182 IPC pending in the Court of Sub Divisional Judicial Magistrate, Safidon stands quashed.

August 11, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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