

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

205

CRM-M-52505-2019

Date of Decision: 15.03.2023

Manmohan Kumar

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Eklavya Gupta, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Section 482 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking quashing of Kalandra (Rapat) No.26 dated 05.08.2019 (Annexure P-4) under Section 182 of Indian Penal Code, 1860 (for short 'IPC') and subsequent proceedings arising out of the said Kalandra.

2. Learned counsel for the petitioner, inter alia contends that petitioner filed a complaint against Pardeep Kumar Singla, Deepak Kumar, Kamlesh and Jaita Rani before Superintendent of Police, Yamunanagar, alleging commission of offence punishable under Sections 500, 506 & 509 of IPC. The complaint of the petitioner came to be transferred from Superintendent of Police, Yamunanagar to Superintendent of Police, Kurukshetra. Inspector posted at Kurukshetra filed impugned Kalandra against the petitioner which is contrary to mandate of Section 195 Cr.P.C. The Investigating Officer, on the

complaint of petitioner, has registered FIR No.524 dated 08.10.2019 against Pardeep Kumar, Deepak Kumar, Kamlesh and Jaita under Sections 500, 506 & 509 of IPC. The Kalandra was filed on 05.08.2019 whereas FIR on the basis of complaint of the petitioner came to be registered on 08.10.2019 which vindicated stand of the petitioner, thus, Kalandra was bad on account of violation of mandate of Section 195 Cr.P.C. as well as subsequent registration of FIR.

3. Petitioner is father of Yogesh Gupta who had solemnized marriage with Jaita Rani. The marriage between the parties miserably failed and different cases came to be registered against each other. Now both the parties have amicably settled their disputes and entered into compromise. Jaita Rani and Yogesh Gupta filed petition under Section 13-B of Hindu Marriage Act, 1955 (for short 'HMA') before Family Court, Yamunanagar seeking dissolution of marriage by mutual consent. The Principal Judge, Family Court, Yamunanagar, vide decree dated 05.08.2022 has dissolved marriage between Jaita Rani and Yogesh Gupta.

4. Learned State counsel does not dispute the fact that complaint of the petitioner has culminated into registration of FIR No.524 dated 08.10.2019 and Kalandra was filed prior to registration of FIR.

5. I have heard the arguments of learned counsel for the parties and perused the record.

6. From the perusal of record and arguments of both sides, it comes out that litigation between the parties have commenced on account of matrimonial discord. Complaints and counter-complaints came to be filed by both sides. The prime dispute between the parties stands settled. Decree of divorce stands passed and both the parties have amicably settled their grievances. The impugned Kalandra was filed by an Inspector to whom complaint was not lodged by the petitioner, thus, in view of mandate of Section 195 Cr.P.C., he had no authority to file Kalandra. The complaint of the petitioner culminated into registration of FIR No.524 dated 08.10.2019. The FIR was registered subsequent to filing of Kalandra, thus, State cannot plead that petitioner had filed false complaint or misled the authorities.

7. In the above backdrop, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. Kalandra (Rapat) No.26 dated 05.08.2019 (Annexure P-4) under Section 182 of IPC and subsequent proceedings arising therefrom are hereby quashed.

(JAGMOHAN BANSAL)
JUDGE

15.03.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*