



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31140-2019
Date of decision: 27.09.2024

Surinder Sharma ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gaurav Tyagi, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

Mr. Ram Karan Agnihotri, Advocate
for respondent No.2.

KARAMJIT SINGH, J. (ORAL)

1. The present petition under Section 482 Cr.P.C. has been filed by the petitioner seeking quashing of Kalandra under Section 182 IPC Annexure P-1 registered at Police Station Civil Line, Karnal and all the subsequent proceedings arising therefrom.
2. The counsel for the petitioner while assailing the Kalandra Annexure P-1 and all the consequential proceedings arising therefrom submits that in the instant case, the petitioner gave one complaint Annexure P-8 to Superintendent of Police, Karnal. As per respondent No.1-State, the allegations made by the petitioner in the said complaint were found to be false and resultantly, the said complaint was filed and recommendation was made to file Kalandra under Section 182 IPC against the present petitioner. That consequently, Kalandra Annexure P-1 was presented in the Court



concerned by SHO Police Station Civil Line, Karnal. The counsel for the petitioner further submits that as per the provisions of Section 195 Cr.P.C Kalandra Annexure P-1 could have been presented either by the public servant concerned or the authority/officer superior to him. In the present case, the concerned public servant is Superintendent of Police, Karnal to whom the complaint Annexure P-8 was presented by the petitioner. The Kalandra Annexure P-1 being filed by SHO of concerned police station who was junior to the aforesaid public servant, is not sustainable and deserves to be set aside.

3. The present petition is resisted by the State counsel and counsel for respondent No.2 and both of them have submitted that the complaint Annexure P-8 given by the petitioner was found to be false and accordingly, proceedings under Section 182 Cr.P.C were initiated against the petitioner by presenting Kalandra Annexure P-1 and there is no illegality in the said proceedings. It is further submitted that the present petition deserves to be dismissed being devoid of merits.

4. I have considered the submissions made by counsel for the parties.

5. It is evident that complaint with regard to offence punishable under Section 182 IPC, as per provision contained under Section 195 Cr.P.C has to be lodged either by the public servant to whom such complaint was presented or an officer superior to him. Undoubtedly, complaint Annexure P-8 was given by the petitioner to Superintendent of Police, Karnal and on the basis of said complaint, FIR Annexure P-9 was registered against Naresh Sharma. The matter was investigated and the allegations made in the

aforesaid complaint Annexure P-8 were found to be false and cancellation report was presented in the Court concerned. Consequently, SHO Police Station Civil Line, Karnal presented Kalandra Annexure P-1 against the present petitioner in the Court concerned. In the light of the law laid down by this Court in *Babita Vs. State of Punjab 2008 (4) RCR (Criminal) 516*, the Kalandra Annexure P-1 presented by SHO of the concerned police station is not maintainable as per the mandate of Section 195 Cr.P.C, as the complaint Annexure P-8 which was made by the petitioner was addressed to Superintendent of Police, Karnal. Kalandra Annexure P-1 suffers from inherent procedural defect and was not presented in consonance with the provisions of Section 195 Cr.P.C and thus, deserves to be quashed.

6. In light of the above, the present petition is allowed and Kalandra Annexure P-1 and all the subsequent proceedings thereto are hereby ordered to be quashed.

7. Petition stands allowed.

27.09.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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