

Chaitan Lal Vs. Emperor

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Court : Allahabad

Decided On : Jun-08-1918

Reported in : AIR1918All100(1); 46Ind.Cas.410

Judge : P.C. Banerji, J.

Appellant : Chaitan Lal

Respondent : Emperor

Judgement :

P.C. Banerji, J.

1. Two brothers Kishen Murari and Chaitan Lal lived in the same house but occupied different quarters. During the absence of Chaitan Lal, Kishen Murari is said to have broken open the door of the room occupied by Chaitan Lal. Chaitan Lal made a report to the Police charging his brother with theft. He also filed a complaint before a Magistrate. The matter was subsequently compromised and the case brought in the Criminal Court was dismissed. After all this on the application of the Police the Superintendent of Police sanctioned the prosecution of Chaitan Lal for bringing a false charge under Section 182 of the Indian Penal Code and he is being prosecuted under that section. Arguments have been addressed to me on the question whether the case comes within the purview of Section 182 or Section 211. I do not deem it necessary to decide the question of law just raised, because in my opinion this is not a case in which any action ought

to have been taken and any proceedings instituted. The dispute was one between two brothers. The offence with which Kishen Murari was charged might or might not be theft but no advantage would be gained by continuing the proceedings which have been instituted under Section 182. I accordingly quash those proceedings and direct that they be discontinued. I make this order in exercise of the powers vested in this Court under Section 435 of the Code of Criminal Procedure as held in *Jai Narain Lal v. Emperor* 46 Ind. Cas. 407 : 16 A.L.J. 458.

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