

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

Crl.Misc.No.M-10565 of 2015

Date of decision : 9.4.2015

Jatinder Singh Lamba and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Saurabh Kapoor, Advocate
for the petitioners.

.....

MAHESH GROVER, J.

 Contentends that the dispute had arisen out of a marital discord. The police after investigation has filed cancellation report which was accepted by the court of learned Magistrate on 15.10.2014 but prior to this on 5.6.2014 the court had declared the petitioner as proclaimed offender. The application moved by the State for withdrawal of the proceedings declaring the petitioner as proclaimed offender has been declined by virtue of order Annexure P-6 on the ground that it could not review its earlier order.

 The court below has taken an erroneous approach. Once a cancellation report has been accepted by the court which was trying the matter, then in such eventuality all the proceedings

which had been initiated prior to the cancellation report would automatically come to an end and therefore, a clarificatory order was required to be passed by the said court which could not be termed to be a review. The impugned order is, therefore, set aside and it is clarified that once a cancellation report has been accepted by the court and no further action taken by the respondent-complainant against it, in such an eventuality the proceedings which had been initiated prior to the cancellation report would also stand extinguished as continuance with the process would be abusive to cause of justice.

Petition disposed of.

9.4.2015

(MAHESH GROVER)
JUDGE

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