

CRM-M-28993 of 2014 1

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

**CRM-M-28993 of 2014
Date of decision : 09.07.2015**

Sanwal Ram

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Manoj K.Tanwar, Advocate
 for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

Mr. J.P.Sharma, Advocate
for respondent no.5.

DARSHAN SINGH,J(Oral)

1. The present petition has been filed under Section 482 Cr.P.C with a prayer to direct respondents no. 1 to 4 to transfer the investigation of case FIR No. 17 dated 16.01.2014, under Sections 420, 467, 468, 471, 406, 506, 34 IPC, registered at Police Station Kanina, District Mohindergarh to some Senior Police officials as the local police without any investigation wants to close the case.

2. As per the prosecution allegations, signatures of the petitioner were obtained on some papers on the pretext of pension papers, which was converted to an agreement to sell with respect to the plot owned by the petitioner.

3. Respondents no. 1 to 4 have filed the status report by way of affidavit of Hans Raj, Deputy Superintendent of Police, Kanina, District Mohindergarh, wherein it has been mentioned that the allegations levelled by the petitioner were found false and fabricated during the course of investigation and verification. Therefore, the cancellation report has been prepared in the present case and the same has been sent to the higher authorities for onward submission in the competent Court of law for acceptance.

4. Learned counsel for the petitioner contended that the petitioner was already apprehending that the fair investigation has not been conducted. Thus, he pleaded that the investigation of the case should be transferred to some Senior Police officials as the police officials of the local police station are siding with the accused.

5. Learned State counsel has pleaded that the investigation is already complete and the cancellation report has been prepared.

6. The aforesaid contentions have been duly considered.

7. In reply filed by the official respondents, it has been categorically mentioned that the cancellation report has been prepared in the present case and the same has been sent to the higher authorities for onward submission to the Competent Court of law for acceptance. In this manner, the investigation is already complete in the case. So, at this stage, no direction can be given for the transfer of the investigation.

8. Thus, the present petition filed by the petitioner has been virtually rendered as infructuous and is disposed of as such. However, the petitioner shall be at liberty to avail the alternative remedy available to

him to oppose the acceptance of cancellation report and to file the protest petition, if he so desires. It is needless to mention that the learned Magistrate will afford an opportunity of being heard to the petitioner and to take into consideration the plea raised by him while dealing with the said cancellation report in-accordance with law.

09.07.2015

s.khan

**(DARSHAN SINGH)
JUDGE**