

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CRM-M-41479-2013(O&M)  
Decided on: 04.08.2015

Kanwar Singh .....Petitioner

vs.

State of Haryana and another.....Respondents

**Coram: Hon'ble Mr. Justice Mahesh Grover**

Present: Mr. Parveen Sharma, Advocate  
for Mr. Sudhir Hooda, Advocate for the petitioner.  
Mr. Anmol Malik, A.A.G. Haryana.  
Mr. Sumeet Goel, Advocate standing counsel for CBI.  
Mr. P.M.Anand, Advocate for respondent no.2.

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**Mahesh Grover, J**

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of an order passed by the learned trial Court dated 14.06.2013 appended to this petition as Annexure P3.

FIR No.65 dated 31.01.1998 under Sections 366/511 IPC was registered at Police Station Civil Lines, Rohtak against some unknown persons on the complaint preferred by the present respondent no.2, alleging abduction of one of the family members of the complainant from the exclusive lane in front of the Judicial Officer's residence.

The police investigated the case and submitted the challan in the Court of the Chief Judicial Magistrate, Rohtak on 28.09.1998.

Pertaining to this very incident, the CBI registered another case pursuant to the orders passed by this Court on 08.04.2003 in CWP No.2476 of 2003. This petition was initiated by Judicial Officer Dr.S.K.Kapur and the investigation took place in FIR No.65 dated 31.01.1998. Against the aforesaid FIR under Sections 366, 511 and 120-B IPC, the CBI filed a closure report under Section 173 Cr.P.C on 27.09.2004 in the Court of

Special Judicial Magistrate, CBI at Ambala. The CBI was directed to re-investigate the matter which was done leading to another closure report.

The proceedings pursuant to the challan submitted by the police is pending before the learned trial Court. The petitioner initially made an attempt to get the proceedings transferred from the trial Court to the Special Court of CBI. This petition bearing No. CRM-M-9989 of 2003 was dismissed by this Court with an observation that in case the petitioner wishes to derive any advantage from the closure report submitted by the CBI. He would be at liberty to do so.

During this interregnum, the trial Court had initially adjourned the matter pending before it *sine die*. Its revival was sought by the respondent no.2 which has been done by virtue of the impugned order. The petition questioned this order on the very same ground on which he has sought transfer to contend that once CBI has filed closure report, the continuance of the proceedings before the learned trial Court would be fertile.

It is to be noticed that Court is only confronted with the order impugned and no other prayer has been made by the petitioner.

On due consideration of the matter, I am of the view that the present petition is totally frivolous. In the transfer proceedings this Court also observed that in case the petitioner wishes to derive any advantage from the closure report submitted by the CBI, he may do so by bringing it to the notice of the learned trial Court which evidently would be duty bound to consider the same if an issue arises. Even otherwise, the trial Court would be duty bound to consider all relevant material that is brought to its notice and deal with it appropriately. The petitioner in turn cannot stall trial on

this pretext.

Therefore, I do not find any infirmity in the impugned order  
and the petition is dismissed.

**04.08.2015**  
mamta

**(MAHESH GROVER)**  
**JUDGE**