

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-42265 of 2015

Date of Decision: December 14, 2015

Sachin Kumar @ Sajjan Kumar and another

.....Petitioners

Vs.

State of Punjab and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.K.B.S. Mann, Advocate
for the petitioners.

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M.M.S. BEDI, J. (ORAL)

The FIR was registered at the instance of Gurcharan Singh alleging that the petitioners had cheated the complainant on the pretext by sending his son Paramjit Singh abroad on receipt of a sum of Rs.4 lacs.

It is claimed that the matter has been compromised. Copy of the compromise has been placed on record as annexure P-2.

Notice of motion to Advocate General, Punjab.

On the asking of the Court, Ms. H.K. Athwal, DAG, Punjab, accepts notice. Copy given.

Since the challan has not yet been presented in this case and the investigation is still in progress, it is always open to the complainant or any other effected party to get the supplementary statement recorded by appearing before the investigating officer. Any statement voluntarily offered cannot be refused as per provisions of Section 163 (2) Cr.P.C.

This petition is disposed of at this stage with a direction that in case the complainant appears before the investigating officer within a period of one month and gets his supplementary statement recorded, it will be open to the investigating officer to form an opinion not to present challan and to submit cancellation/ untraced report. In said eventuality, on submission of cancellation report on the basis of no objection of the complainant, the trial Court may accept the cancellation/ untraced report.

December 14, 2015
sanjay

(M.M.S.BEDI)
JUDGE