

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

CRM-M-4751-2014

Date of Decision: 21.09.2015

Sharad Agarwalla

Petitioner

Vs.

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present : Petitioner in person.

Mr. Kuldeep Tiwari, Addl. AG, Haryana.

Mr. Amit Dhawan, Advocate,
for respondent Nos.3 and 4.

NARESH KUMAR SANGHI, J. (Oral)

At the behest of the petitioner, FIR No.212 dated 24.12.2009 for the offences punishable under Sections 381 IPC, 43-B and 66(D) of Information Technology Act, 2000, was registered at Police Station, DLF Phase-1, Gurgaon. After investigation, untraced report was presented before Learned Area Judicial Magistrate, who without issuing notice to the petitioner/informant accepted the untraced report. However, he ordered that in the event of additional material coming on record, the investigating agency would further investigate the matter and proceed accordingly.

The petitioner submits that he has ample material to show that the offences were committed by the nominated accused. On the basis of the additional material the investigating

agency would be in a position to further investigate the matter and put up the charge sheet (report under Section 173 Cr.P.C.).

Learned counsel for the State submits that the matter has already been investigated and finding that no evidence had emerged against the nominated accused, the investigating agency had proposed to file untraced report. However, he submits that if the petitioner has collected some additional material to connect the named accused or against any other person for having committed the offences mentioned above, the police would not hesitate to take the same into consideration and proceed accordingly.

Learned counsel for the private respondents has opposed the prayer.

After hearing petitioner and learned counsel for the respondents and going through the material available on record, the present petition is disposed of with the directions to DCP (Headquarters), Gurgaon to take into consideration the material to be produced by the petitioner before him and to constitute a Special Investigation Team (SIT) to scrutinize the said material within three months of its production and proceed further strictly in accordance with law.

September 21, 2015
Dinesh

(NARESH KUMAR SANGHI)
JUDGE