

**102+203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**COCF No. 2483 of 2015(O&M)
Date of decision: 25.01.2016**

Kusum(Minor)

.....Petitioner

versus

Krishan Murari and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Bikram Chaudhary, Advocate
for the petitioner.

Mr. RKS Brar, Addl.AG, Haryana.

Rakesh Kumar Jain, J.(Oral)

The petitioner had approached this Court by way of filing a petition under Section 482 of the Code of Criminal Procedure (for short, Cr.P.C.) in which prayer was made for proper investigation into the case registered vide FIR No. 8 dated 28.1.2013 under Sections 363, 366A, IPC at Police Station Kalayat, District Kaithal.

It was found by the Court who had passed the order on 24.04.2015 in the petition filed by the petitioner i.e. CrI.Misc.M-6372 of 2013 that the investigation officer has prepared a cancellation report which is submitted to the competent jurisdiction. In this background, the following order was passed:-

“If that be so, then the petitioner would have a right to contest the cancellation report and the Court in turn, upon hearing the petitioner, would also have the authority to direct further investigation into the matter in case of dissatisfaction. In view of the above, when the right of the petitioner is adequately protected, the petition is disposed of with liberty to the

petitioner to contest the cancellation report in the event of it being filed by bringing to the notice of the Court the discrepancies in the material collected by the police. Needless to say that the Court in the event of concluding that the material collected by the police is insufficient, would be at liberty to pass appropriate orders to reject the cancellation report.

The cancellation report shall be submitted by the respondents within a period of two weeks from today and thereupon the Court shall proceed for the acceptance of non-acceptance of the cancellation report, as expeditiously, as possible. Petition disposed of.”

Counsel for the respondent has submitted that the cancellation report has already been submitted to the Illqa Magistrate which is now fixed for 28.01.2016 for its consideration/orders.

Counsel for the petitioner has argued that the need to file this contempt petition arose because respondents did not produce the complete material with the cancellation report.

Be that as it may, the order dated 24.04.2015 passed by this Court specifically says that the petitioner would be entitled to contest the cancellation report, in the event of it being, filed by bringing to the notice of the Court the discrepancies in the material collected by the police and it would be necessary for the Court, in the event of material collected by the police is found insufficient, to pass appropriate orders to reject the cancellation report. The said stage has yet not come, therefore, this petition is not maintainable.

Dismissed.

[Rakesh Kumar Jain]
Judge

25th January, 2016

Shivani Kaushik