

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

CRL. MISC. No.M-24695 OF 2015
DATE OF DECISION : 9th AUGUST, 2016

Anand Parkash

.... Petitioner

Versus

CBI, New Delhi & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : None for the petitioner.

Mr. Sukhdeep Singh Sandhu, Standing Counsel for CBI.

Ms. Abha Rathore, Advocate for respondent No.2.

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A. B. CHAUDHARI, J. (ORAL)

Learned counsel for CBI Mr. Sukhdeep Singh Sandhu so also Ms. Abha Rathore submit that the matter is pending in this Court from the year 2013 and on the last date none remain present for the petitioner and before that, adjournments were sought from time to time. According to Mr. Sukhdeep Singh Sandhu, standing counsel for the CBI, closure report after investigation was filed by the CBI before the competent Court and that too after hearing the complainant who had given no objection and it was accepted. He further apprised this Court about the controversy in the case. He submits that the petitioner claims that he also should have been heard before acceptance of closure report. According to learned counsel for the CBI even if number of persons lodge report, what is relevant is information leading to the registration of the offence. The informant was heard. The petitioner cannot claim any such hearing. The counsel for respondent No.2 also relying on judgment

of Supreme Court in the case of *Simranjit Singh Mann versus Union of India and another, 1992 (4) SCC, 653* submits that opportunity of hearing is contemplated to the informant who has registered as informant in the FIR.

I find substance in the contention raised by CBI as well as by counsel for respondent No.2. Since the information was recorded at the behest of the informant who was admittedly heard and who had given no objection for closure report the complainant was heard. To allow a person like the petitioner who is alleged to have signed application for registration of FIR and if the submission that number of persons should be heard would lead absurdity looking to the very concept of the lodgment of FIR by an informant. FIR is only the initiation of criminal proceedings and is registered upon information of cognizable offence.

In that view of the matter though the counsel for the petitioner is absent today again, on merits, I find no substance in the present petition. Accordingly the same is dismissed.

9th AUGUST, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No.</i>