

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

(117)

CRM-M-23221-2016

Decided on: November 29, 2016.

Harpal Singh

.... Petitioner

Versus

State of Punjab and another

..... Respondents

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

Present: Mr. K.S. Hissowal, Advocate, for the petitioner.

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

The petitioner is a complainant in a case which was registered against Vaibhav Raj accused alleging that he had obtained a sum of Rs.60,000/- at one instance and another sum of Rs.11 lacs was paid to him on the assurance that his daughter will be sent to America for nursing course.

The police, after investigation of the matter, opted to file cancellation report. The cancellation report was accepted by the Illaqa Magistrate.

Aggrieved by the said order, the petitioner has filed the revision petition before the Sessions Court. The said revision petition was also dismissed examining the legality and propriety of the order passed by the Illaqa Magistrate.

Through instant petition under Section 482 Cr.P.C, the petitioner challenges the order of acceptance of the cancellation report contending that the petitioner is a complainant and has been deprived of his money.

With the assistance of learned counsel for the petitioner, I have gone through the impugned order passed by the revisional Court as well as by Illaqa Magistrate and I am of the opinion that on account of want of sufficient material to establish the payment of sum of Rs.9.50 lacs to the accused, the Courts below have opted to accept the cancellation report.

The scope of interference in such circumstances under Section 482 Cr.P.C would be very meager. Still, with the assistance of learned counsel for the petitioner, I have examined the legality and propriety of the order passed by the Courts below accepting the cancellation report. While accepting the cancellation report, notice had actually been issued to the complainant-petitioner and he had been given an opportunity to contest the same by protesting in accordance with law.

No ground is made out for interference in the orders passed by the Courts below.

The petition is dismissed without prejudice to the right of the petitioner to avail any other legal remedy available to him in accordance with law.

(M.M.S. BEDI)
JUDGE

November 29, 2016
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No