

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

Criminal Misc.No.M-29048 of 2015 (O&M)
Date of Decision : 07th November, 2016

Swaran Dass and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.P.Soi, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab
for the respondent(s)-State.

Ms. Prabhjot Kaur, Legal Aid Counsel,
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR no.272 dated 15.11.2005, registered at Police Station Shahkot, District Jalandhar, under Sections 452, 323, 148, 149 IPC and all subsequent proceedings arising therefrom as the cancellation report dated 09.12.2006 submitted by the police was not accepted by the learned trial Court vide order dated 11.12.2014.

As per the averments, FIR No.272 dated 15.11.2005 and cross version vide DDR No.16 dated 18.11.2005 were registered in Police Station Shahkot, District Jalandhar. Ultimately, on investigation, the police found that no such incident had occurred and consequently filed cancellation report for both of them. The learned Judicial Magistrate Ist Class, Nakodar, rejected this application since petitioner No.10-complainant in cross case had not appeared and expressed his satisfaction with regard to the

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investigation carried out in the cross case.

As per learned counsel for the petitioners, even petitioner No.10 has no objection in case cancellation report regarding the cross version is also accepted. He has, however, argued that the other basis on which the trial Court rejected the cancellation report is completely illegal. A perusal of the order shows that the second reason made by the trial Court was that the offences were non-compoundable.

Learned State Court has very fairly accepted that a cancellation report cannot be rejected only on the basis that the offences are non-compoundable.

In these circumstances, that part of the order whereby the trial Court has rejected the application on the ground that offences are non-compoundable is set aside and the matter is remanded back to the learned trial Court to enable petitioner No.10 (complainant in the cross version) to get recorded his statement regarding his satisfaction with the police investigation.

For this purpose, parties through counsel are directed to appear before the learned Judicial Magistrate Ist Class, Nakodar on 21.11.2016 or any other date as required by the Court. That Court can pass fresh order as per law.

Accordingly, the instant petition stands disposed of.

(AJAY TEWARI)
JUDGE

07th November, 2016

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Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No