

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.9030 of 2016
and
Criminal Revision No.1060 of 2016 (O&M)

.....

Date of decision:27.8.2016

Ved Parkash alias Babu Vaid and another

...Petitioners

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. S.S. Rangî, Advocate for the petitioners.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Ms. Deepshikha Chauhan, Advocate for respondents
No.2 to 5.

.....

Inderjit Singh, J.

Cr. Misc. No.9030 of 2016:

For the reasons mentioned in the criminal miscellaneous application, the delay of 13 days in filing the criminal revision petition is condoned.

The criminal miscellaneous application stands disposed of.

Cr. Rev. No.1060 of 2016:

This criminal revision petition has been filed under Section 401

Cr.P.C. challenging the impugned order dated 3.12.2015 passed by learned

Additional Chief Judicial Magistrate, Sangrur, whereby the cancellation report filed by the Police has not been accepted.

Notice of motion has been issued in this case.

Mr. Varun Sharma, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and Ms. Deepshikha Chauhan, learned Advocate has appeared for respondents No.2 to 5 and contested this criminal revision petition.

I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for respondents No.2 to 5 and have gone through the record.

From the record, I find that as per the impugned order passed by the learned Additional Chief Judicial Magistrate, Sangrur, when the cancellation report was filed by the Police, the complainant has made a statement that he has no objection if the FIR is cancelled on the basis of compromise. The learned Additional Chief Judicial Magistrate, Sangrur, vide the impugned order held that the offence under Section 306 IPC is not compoundable and the Court is not competent to accept the cancellation report, as such the Police challan has been ordered to be returned to the Police Headquarters whereas the judicial papers were ordered to be separated and consigned to the record room.

A perusal of this order itself shows that the Court has neither passed any order for further investigation nor the Court has accepted the cancellation report. The Court has neither taken this cancellation report on record nor the Court has taken the cognizance nor treated it as a complaint.

Therefore, a vague order has been passed which is not as per law. Nothing is clear as to for what purpose the challan was ordered to be returned to the Police Headquarters.

Therefore, this criminal revision petition is allowed and the matter is remanded back to the learned Additional Chief Judicial Magistrate, Sangrur, for passing a specific/speaking order as per law.

The parties are directed to appear before the learned Additional Chief Judicial Magistrate, Sangrur, on 19.9.2016.

August 27, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No