

CRM-M-14639-2017

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

**CRM-M-14639-2017
Date of decision-28.04.2017**

Ravinder Kumar

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Mohit Jaggi, Advocate for the petitioner.

JITENDRA CHAUHAN, J.

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for setting aside the order dated 14.10.2016 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate, Rajpura passed on the application filed by the petitioner for recalling of the order dated 20.08.2016 and order dated 14.12.2016 (Annexure P-4) passed by the learned Additional Sessions Judge, Patiala vide which the revision petition filed by the petitioner against the order dated 14.10.2016 has been dismissed.

It is the case of the petitioner/complainant that he got registered FIR No.257 dated 11.11.2015 under Sections 457 and 380 of the Indian Penal Code at Police Station City, Rajpura against unknown person(s). Vide order dated 20.08.2016 (Annexure P-1) passed by learned Sub Divisional Judicial Magistrate, Rajpura, the cancellation/untraced report presented by the police was accepted. Feeling aggrieved the petitioner/complainant

preferred an application before the Court of learned Sub Divisional Judicial Magistrate, Rajpura for recalling of order dated 20.08.2016 (Annexure P-1) whereby the cancellation report dated 15.01.2015 filed by the Station House Officer, Police Station City, Rajpura was accepted and also for recalling of statement of petitioner/complainant on the ground that the same was got signed by HC Sukhwinder Singh on false and wrong promise. The said application was also dismissed vide order dated 14.10.2016. Feeling aggrieved the petitioner/complainant preferred revision petition before learned Additional Sessions Judge, Patiala, which also stood dismissed vide order dated 14.12.2016. Hence, the present petition under Section 482 of the Criminal Procedure Code.

It is contended by learned counsel that HC Sukhwinder Singh had obtained the signatures of the petitioner on the cancellation report by mis-representation. The petitioner was never willing to admit the contents of the said cancellation report. On 22.09.2016, the petitioner came to know that his case had already been decided on 20.08.2016.

I have heard learned counsel for the petitioner and have gone through the case file.

It is evident from the record that the cancellation report was submitted by the SHO, Police Station City, Rajpura upon which petitioner/complainant-Ravinder Kumar was summoned by the trial Court on 20.08.2016. The petitioner got recorded his statement to the fact that he has no objection if the cancellation report filed by the police is accepted. The said statement is duly signed by the complainant-Ravinder Kumar in english

and his statement was recorded under the supervision of learned Sub Divisional Judicial Magistrate, Rajpura. It is not the case of the petitioner/complainant that he being an illiterate person was misled by HC Sukhwinder Singh. The petitioner/complainant lodged the instant FIR and during investigation it was found that no theft took place in the premises of the petitioner/complainant and his statement was found suspicious. Thereafter, the police presented the cancellation/untraced report before the Court and the complainant suffered the statement to the fact that he had no objection in case the report was accepted. Thus it is clear that the petitioner/complainant has been changing stands and his conduct is deplorable. Moreover, the cancellation report in the present case has been accepted in the Lok Adalat on 20.08.2016.

This Court does not find any merit in the present petition.

Dismissed.

(JITENDRA CHAUHAN)
JUDGE

April 28, 2017

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No