

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25250-2015

Date of decision : 15.03.2017

Balramji Dass and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. A.S.Bhatti, Advocate,
for the petitioners.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab,
for respondent No.1.

Mr. Vikas Gupta, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') for quashing of order dated 03.06.2015 (Annexure P-4) passed by the Sub Divisional Judicial Magistrate, Khadur Sahib, (for short, 'trial Court), vide which cancellation report submitted by the prosecution agency was not accepted and ordered further investigation in the case.

Learned counsel for the petitioner contends that deceased, Vikramjit Singh @ Vicky, who was son of petitioner No.1, was a drug addict and under the influence of drugs, he fell down from the stairs on 01.10.2013 and got multiple injuries. He also contends that on the next date, since Vikramjit Singh @ Vicky was not feeling well, petitioners got him admitted in Guru Nanak Dev Hospital, Tarn Taran, where he was

treated and finally on 05.10.2013, doctors declared him dead and accordingly, postmortem was conducted. He further contends that respondent No.2, wife of the deceased Vikramjit Singh @ Vicky, on the instigation of the people, registered a false FIR against the petitioners. He further contends that during the pendency of investigation, on realizing that her husband had died due to a fall from the stairs under the influence of drugs and that the petitioners are innocent, respondent No.2 had filed an affidavit before the investigating agency, requesting the investigating officer to cancel the FIR in question. He further contends that on the basis of affidavit of respondent No.2, investigating officer prepared the cancellation report dated 01.08.2014 (Annexure P-2) and filed the same before the learned trial Court. He also contends that statement of respondent No.2 was got recorded to the effect that she has no objection if the cancellation report was accepted. He further contends that despite the afore-mentioned that learned trial Court did not accept the cancellation report and returned it for further investigation by an officer not below the rank of Superintendent of Police.

On the other hand, learned State counsel submits that vide order dated 03.06.2015 passed by the learned trial Court, further investigation in the matter is being conducted and final report is yet to be presented and prays for dismissal of the present petition.

I have heard learned counsel for the parties and gone through the record of the case.

A perusal of the FIR reveals that complainant/respondent No.2 had given a detailed account of the injuries caused by the petitioners to the deceased. Furthermore, in the PMR, as many as 12 injuries on various parts

of the body including on the eyes, face, neck etc. There is no opinion of the doctor with regard to the effect that the said injuries could have been caused by a fall from the stairs. Considering the nature of allegations and the medical evidence in support thereof produced on record, this Court feels that the learned trial Court has rightly returned the cancellation report.

In view of the above, the present petition is dismissed and order dated 03.06.2015 (Annexure P-4) passed by the Sub Divisional Judicial Magistrate, Khadur Sahib, is maintained.

(JITENDRA CHAUHAN)
JUDGE

15.03.2017
adhikari

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No