

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

**Crl. Misc. No. M-29304 of 2016
Date of Decision:09.10.2017**

Naresh Kumar and another Petitioners

Vs.

State of Punjab and others Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. B.S. Jaswal, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab for
respondent No.1.

Mr. Sudhir Nar, Advocate for respondents No.2
and 3.

Hari Pal Verma, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C is for quashing of FIR No. 232 dated 21.10.2015 registered under Sections 307/323/34 of IPC and 25/27 of Arms Act, 1959 registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib on the basis of compromise entered into between the parties dated 02.01.2016 (Annexure P.2) and the affidavit of the complainant dated 02.01.2016 (Annexure P.6).

Vide order dated 03.03.2017, the complainant or affected parties were directed to approach the Investigating Officer for getting their supplementary statements recorded and it was made clear that it would be open to the Investigating Officer to form an opinion whether the cancellation report is to be submitted or challan is to be submitted for the trial of the petitioners.

Learned State Counsel on instructions from HC Gurbhej Singh states that in the aforesaid FIR, the police has already prepared the cancellation report and the same was submitted to the DSP on 03.07.2017 for approval. Thus, the cancellation report is pending approval before the DSP/ SSP, Fatehgarh Sahib.

In view of the fact that the police has already prepared a cancellation report and is at the stage of approval of the DSP/ SSP concerned, the present petition no more survives and is rendered infructuous.

Disposed of as having become infructuous.

However, in case it is found that the police has not prepared the cancellation report, the petitioner shall be at liberty to revive the present petition. Since the cancellation report prepared by the SHO is pending before the Senior Officer, i.e. DSP/SSP, they are directed to take a final decision on the said report within one month from today.

October 09, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No