

Sr. No.108

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-7037 of 2017 (O&M)

Date of Decision:17.04.2017

Satender Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. K.D.S.Hooda, Advocate,
for the petitioner.

Mr. C.S.Bakhshi, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition was preferred under Section 482 Cr.P.C. seeking directions to official respondents No. 1 to 5 to carry out a free and impartial investigation against respondent No.6 in case FIR No.173 dated 12.10.2016, under Section 420 IPC, registered at Police Station Bahin, District Palwal.

By way of response to the petition, a reply by way of an affidavit of the Deputy Superintendent of Police, Hathin on behalf of respondents No.1 to 5 had been filed in Court today and the same is taken on record. Copy has been furnished to counsel for the petitioner.

With the consent of counsel for the parties, the petition is taken up for disposal today itself.

Para 4 of the preliminary submissions contained in the reply reads as follows:

“That after investigation and checking the record of election office/SDM Office Palwal about preparing the

double votes at Palwal and village Kondal, no offence was found to be committed by respondent No.6 as the respondent No.6 has already applied for cutting his vote/name from the voter list of Municipal Palwal constituency and on the basis of above said investigation, the then SHO of P.S.Bahin recommended for preparing the cancellation report in the instant case and prepared the cancellation report on 18.11.2016 vide case diary No.6 which have been approved by S.P., Palwal on 09.01.2017 and submitted the same before the Illaqa Magistrate on 10.04.2017 before filing of the present petition for transferring the investigation of the case to any other investigation agency. Hence in the present circumstances, the investigation agency has already submitted the cancellation report before the Illaqa Magistrate on 10.04.2017, therefore the present petition is not maintainable and liable to be dismissed.”

In the light of such categoric stand taken on behalf of the State, no further directions are required to be passed in the instant petition.

Petition is, accordingly, disposed of.

Needless to observe that it would always be open for the petitioner to avail of his remedies as available in accordance with law as regards the cancellation report dated 18.11.2016 that is stated to have been submitted by the investigating agency before the Illaqa Magistrate concerned.

Disposed of.

17.04.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No