

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

Crl. Misc. M- 27236 of 2017 (O&M)
Date of Decision: 5.4.2018

Shivani Chauhan

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Munish Bhardwaj, Advocate
for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

Mr. G.S. Sandhu, Advocate,
for respondents No. 7 and 8.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under 482 of the Code of Criminal Procedure for handing over the inquiry of FIR No. 117 dated 27.9.2016 under Sections 498-A, 354, 323, 120-B IPC, in which Sections 406 and 325 IPC were added later on, registered at Police Station City Jalalabad, District Fazilka, or for handing over the investigation to some independent agency by setting aside the inquiry report dated 5.4.2017.

Learned counsel appearing on behalf of the petitioner contends that the petitioner herein is a resident of Canada, who solemnized her marriage with one Uma Shankar son of Jagdish Chander—respondent No. 6 on 22.4.2015. Thereafter, the parties shifted to Canada and difference arose between the parties. On account of the matrimonial differences that have arisen and the harassment caused to the petitioner herein, she lodged the

instant FIR.

Learned counsel appearing on behalf of the State submits that, in fact, the matter has been investigated and a cancellation report has been submitted on 6.11.2017 in the trial court and urges that the remedy, if any, available to the petitioner is to file a protest petition.

Learned counsel appearing for the private respondents submits that a private complaint has already been filed by the petitioner and as such she cannot avail two remedies at the same time.

At this juncture, learned counsel for the petitioner submits that the petitioner would file a protest petition and would get her statement recorded before the Judicial Magistrate Ist Class, Jalalabad.

I have heard learned counsel for the parties and perused the record.

In view of the fact that a cancellation report has already been filed, which as per the petitioner is factually wrong, and the next date fixed before the trial court is 10.4.2018, let the petitioner herein file a protest petition and get her statement recorded.

The petition is disposed of on the above terms.

(JAISHREE THAKUR)
JUDGE

5.4.2018
prem

Whether speaking/reasoned
Whether reportable

Yes
No