

## IN THE HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH

Crl. Misc. No. M-46077 of 2018

Date of Decision: October 17, 2018

Ravjot Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL**

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Present: Mr. Vaibhav Sehgal, Advocate  
for the petitioner**Sudhir Mittal, J. (Oral)**

The petitioner has challenged order dated 29.09.2018 (Annexure P-10), whereby the Illaqa Magistrate has directed the petitioner to file a protest petition.

On the complaint of the petitioner, FIR No. 95 dated 27.10.2016 was registered at Police Station Sarabha Nagar, Ludhiana under Sections 379, 420, 120-B IPC against the private respondents. The said FIR was registered after conducting a detailed enquiry. Thereafter, the allegation is that the private respondents submitted a representation, on the basis of which another enquiry was conducted and they were declared innocent. This action has been challenged before this Court vide CRM-M-27790-2018 (Annexure P-6), in which notice of motion has been issued. During the pendency of the said petition, miscellaneous application was filed seeking stay of presentation of challan/cancellation report. Vide order dated 17.08.2018, as an interim measure, the respondents were restrained from submitting the final report. It now transpires that before passing of order dated 17.08.2018, the final report had already been submitted. Thereafter, the petitioner brought the order dated 17.08.2018 to the notice of the Illaqa Magistrate resulting in passing of the impugned order.

Learned counsel for the petitioner submits that after this Court issued

passed in the said petition was brought to the notice of respondent No. 1 vide representation dated 17.07.2018. Despite knowing that this Court was seized of the matter, the State has presented the cancellation report without issuance of notice to the petitioner so that CRM-M-27790-2018 is rendered infructuous.

To my mind the apprehension of learned counsel for the petitioner is misplaced just because cancellation report has been presented, the earlier petition has not been rendered infructuous. The same shall still be adjudicated on merits. Filing of a protest petition will not hamper the proceedings in the said case.

With the aforementioned observations, the petition is disposed of.

October 17, 2018

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**[SUDHIR MITTAL]**  
**JUDGE**

**Whether speaking/reasoned : Yes/No**

**Whether Reportable : Yes/No**