

259.

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

CRM-M-45707-2017

Date of decision:04.12.2018.

GURCHARAN SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Arun Singla, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. S.S.Tiwana, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.61 dated 26.06.2011 registered under Sections 406, 420, 120-B of IPC at Police Station Amloh, District Fatehgarh Sahib (Annexure P-2) and all subsequent proceedings arising therefrom.

This Court, while issuing notice of motion on 20.12.2017, has passed the following order:

“Prayer in the instant petition under Section 482 Cr.P.C. is for quashing of FIR No. 61 dated 26.06.2011 (Annexure P-2) registered under Sections 406, 420 and 120-B IPC at Police Station Amloh, District Fatehgarh Sahib and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioners *inter alia* contends that the trial Court had no authority to adjourn the hearing on cancellation report in favour of the petitioners on the asking of the father of the complainant, who as on date, is in abroad. While drawing attention of this Court towards that order dated 13.10.2017 (Annexure P-8, Colly) of the Judicial Magistrate Ist Class, Amloh, learned counsel for the petitioners contends that the trial Court has wrongly ordered to send notice to complainant/respondent No. 2-Daler Singh, on his address abroad through registered covers for 06.01.2018, directing his father Surjit Singh to furnish the registered covers, on two counts that the complaint was not filed by complainant-Daler Singh, rather the same was filed through his General Attorney Mewa Singh, who has expired. Secondly, Daler Singh, is residing abroad and has been declared proclaimed offender in case FIR No. 5 dated 27.05.2015, under Sections 420, 406, 498-A and 494 read with Section 34 IPC, Police Station NRI, Patiala and, thus, he would never come to India. Due to his absence, the petitioners are un-necessarily made to suffer to appear on each and every date before the trial Court till the cancellation report in their favour is accepted, because as on today the trial Court is not sure as to in how much time, it would be able to secure the presence of complainant-Daler Singh, for his hearing upon the cancellation report.

Notice of motion for 14.02.2018.”

Learned State counsel has filed status report by way of affidavit of Manpreet Singh, Deputy Superintendent of Police, Amloh, Tehsil Amloh, District Fatehgarh Sahib, in court today on behalf of respondent No.1, which

Learned counsel for the petitioners has argued that after investigation, police has submitted cancellation report on 19.04.2016, but the fate of that cancellation report has still not been decided and the matter is pending before the Illaqa Magistrate.

I have heard learned counsel for the parties.

Considering the fact that in the aforesaid FIR, police has prepared a cancellation report which is pending before the Illaqa Magistrate since 19.04.2016, present petition is disposed of with a direction to the Illaqa Magistrate to expedite the proceedings so far as the cancellation report is concerned and decide the same preferably within a period of six months.

(HARI PAL VERMA)
JUDGE

04.12.2018
sanjeev

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