

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-13674-2017

Date of Decision: 27.03.2019

Malkiat Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Virender Basa, Advocate or
Mr. BS Randhawa, Advocate for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 79 dated 15.04.2008 (Annexure P-1) under Sections 294, 509 and 120-B IPC at Police Station Banga, District Nawanshahar (now SBS Nagar) and all subsequent proceedings arising therefrom.

On instructions from ASI Sunil Dutt, learned State counsel submits that twice untraced report has been filed in the aforesaid FIR (Annexure P-1), but the trial Court is not accepting the same on the pretext of not producing the complainant, which is not mandatory and legal requirement. The trial Court, on its own, ought to have summoned respondent No. 2-complainant, so as to enquire from her as to whether she wants to challenge the untraced report or to accept the same.

In view of the above, the instant petition is disposed of, with a direction to the trial Court to receive the untraced report and decide the same, in accordance with law, within three months from the date of receipt of certified copy of this order.

March 27, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No