

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

CRM-M-16997-2017 (O&M)

Date of decision : 29.07.2019

Khushi Ram

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioner.

ASI Rajinder Pal.

ANIL KSHETARPAL, J. (ORAL)

On 10.07.2019, after taking note of the fact that Investigating Agency even after having decided to file cancellation report, has not taken action thereon, although more than 2 years 9 months have elapsed. Today, affidavit of Commissioner of Ludhiana has been filed in the Court, in which it has been stated as under:-

“3. That it is further submitted that on receipt of the copy of the directions passed by this Hon'ble Court, the answering deponent immediately called for a detailed report from SHO PS Shimlapuri and also discussed the facts with ACP (Industrial Area-B), Ludhiana. It has been reported that a criminal case bearing FIR No.226, dated 01/12/2015 u/s 447/427/506 IPC was registered at PS Shimlapuri at the instance of complainant Ram Pal s/o Balak Nath r/o St No 8/9 Shimlapuri, Ludhiana. During the course of

investigation the allegations leveled by the complainant Ram Lal respondent No 2 did not substantiate and in this regard the then SHO PS Shimlapuri and Assistant Commissioner of Police (Atam Nagar), Ludhiana vide their separate reports recommended for the cancellation of the aforementioned criminal case. In this regard the relevant case diaries were also recorded in the police file. Thereafter, the cancellation report of the aforementioned criminal case was prepared by Inspector Gurbachan Singh the then SHO PS Shimlapuri on 22/10/2016 and it was entrusted to HC Gurwinder Singh No. 1287/LDH and he was directed to submit this cancellation report in the court of Ld. Illaqa Magistrate, Ludhiana. He did not submit this cancellation report in the court of Ld. Illaqa Magistrate, Ludhiana and finally this cancellation report was presented in the court of Ld Illaqa Magistrate Ludhiana on 20/07/2019 and now it is fixed for hearing on 23/08/2019 in the court of Sh Palwinder Singh JMC Ludhiana.

4. It is further submitted that the answering deponent took a serious view of this lapse and negligence shown by HC Gurwinder Singh No 1287/LDH and the answering deponent has already initiated a departmental enquiry against him vide order bearing memo No.4750-53/PA dated 22/07/2019 and it has been entrusted to Miss Gurpreet Kaur Purewal PPS Additional Deputy Commissioner of Police (Zone-III), Ludhiana and she has been directed to submit her report within two months and as and when the enquiry report will be submitted by her appropriate legal action in accordance with law will be taken against HC Gurwinder Singh No. 1287/LDH. The delay in the submission of the cancellation report by HC Gurwinder Singh No 1287/LDH is highly regretted and it is ensured that such like lapses will not be allowed to happen in future.”

It is thus apparent that official of the Investigating Agency sat over the file for a period of more than 2 ½ years, therefore, Commissioner of Police is directed to finalize the enquiry as proposed within the time as indicated in para 4 of the affidavit and if the enquiry report goes against the concerned police official, final order thereon shall be passed in accordance with law. A report in this regard shall be submitted to the High Court positively within a period of four months.

In view of the aforesaid affidavit, which is taken on record, the present petition, in which prayer was made for quashing of the FIR in view of the cancellation report, has been rendered infructuous and is disposed of as such. However, if the Investigating Agency still does not take any action, the petitioner shall be at liberty to file fresh petition.

29.07.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No