

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

CRM-M-39260-2016 (O&M)

Date of decision: 28.03.2019

Anil Mahajan and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gautam Dutt, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. N. S. Shekhawat, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is quashing of the FIR No. 418 dated 23.10.2016, registered under Sections 406, 420 and 506 of the IPC at Police Station Matlauda, District Panipat.

While issuing notice of motion, it was directed by this Court that in the meanwhile, on presentation of challan, the trial Court shall not proceed further and the police shall also not take coercive action in the matter. Thereafter, this matter remained pending for a considerable long time and the arrest of the petitioners was stayed on 27.07.2017.

Thereafter, on filing of criminal miscellaneous application bearing CRM-3791-2019 by the complainant, the following order was passed on 15.03.2019:

“Learned State counsel on instructions from ASI Hari
Ram submits that cancellation report in this case has

been prepared and is pending for approval before Superintendent of Police, Panipat. Superintendent of Police, Panipat, is abstained from taking any action on the alleged cancellation report submitted by SHO to him and is directed to remain present in person on the next date of hearing, failing which appropriate penal order shall be passed against him. Adjourned to 28.3.2019 for consideration. On request of learned counsel for the applicant to be heard along with CRM-M-11095 and CRM-M-11132 of 2018.”

Learned counsel for the petitioners has now moved an application bearing CRM-10645-2019 seeking permission to withdraw the present petition.

Learned counsel for the complainant has raised an objection to withdrawal of the petition on the ground that the application has been moved just to escape the protection given to the complainant as per order dated 15.03.2019.

I have heard learned counsel for the parties and considering the fact that petitioners do not want to pursue the present petition, this Court has no option but to allow the prayer of the petitioners.

Accordingly, in view of the application CRM-10645-2019, this petition is dismissed as withdrawn.

However, liberty is granted to complainant to file appropriate petition for redressal of his grievance in terms of the observations made in order dated 15.03.2019.

The Superintendent of Police, Panipat, who is present in Court

in compliance with the order dated 15.03.2019, is expected to take conscious decision before accepting the cancellation report.

Criminal miscellaneous application, if any, shall also stand disposed of.

March 28, 2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No