

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

CRM-M-41705-2013

Date of Decision: 11.04.2019

Harjit Singh Deol and another

...Petitioners

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.H.S.Dhandi, Advocate for the petitioners.
Mr.Ramdeep Partap Singh, DAG, Punjab.
Mr.B.B.S.Sobti, Advocate for respondent No.2.

ANIL KSHETARPAL, J.

It is not disputed before this Court that investigating agency on third occasion has also filed cancellation report for cancelling the FIR.

The grievance of the petitioner is that since the complainant is not appearing, therefore, no decision thereon is being taken by the learned trial court.

On the other hand, learned counsel for private respondent No.2 disputes this position and submits that he has already filed a protest petition.

Keeping in view the fact that the cancellation report has been submitted by the investigating agency and the trial court is yet to pass an order, therefore, the petition is disposed of with a direction to the learned trial court to decide on the cancellation report as well as the protest petition positively within a period of three months. However, it is made clear that if the complainant does not appear before the learned trial court, the Judicial Magistrate would be entitled to proceed with the matter, in accordance with law.

11.04.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No