

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

**CRM-M-41312-2018 (O&M)
Date of decision : 10.01.2019**

Darshan Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. B.S. Bhalla, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

This is a petition filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No. 27 dated 9.5.2007 (Annexure P-1), under Sections 324/323/34 of the Indian Penal Code, registered at Police Station Badhni Kalan, District Moga and all other subsequent proceedings arising therefrom.

The case was registered on the statement of Mohinder Singh-complainant who alleged that he was given simple injuries by the present petitioner-Darshan Singh.

Learned counsel for the petitioner contends that investigation in the matter is pending since 2007, therefore, pendency of the investigation for such a long period is misuse of the process of the Court. Otherwise also no offence is made out.

As per the status report dated 19.11.2018 filed on behalf of respondent No. 1, after the investigation it was found that occurrence is false. Therefore, cancellation report was presented before the Court on 28.11.2008. Respondent did not appear despite notice. On 15.11.2013, again cancellation report was presented before the learned Illaqa Magistrate, Nihal Singh Wala who rejected the cancellation report and ordered to re-investigate the matter. After the re-investigation of the case, cancellation report was again presented before the Sub Divisional Judicial Magistrate, Nihal Singh Wala who was insisting for the presence of the complainant before entertaining the cancellation report.

In view of the fact that after the investigation for such a long period spreading little over more than 11½ years, police has found the case to be false, the continuation of the further proceedings will be a useless exercise. As such, present petition is allowed and the FIR No. 27 dated 9.5.2007 (Annexure P-1), under Sections 324/323/34 of the Indian Penal Code, registered at Police Station Badhni Kalan, District Moga alongwith all subsequent proceedings arising therefrom qua petitioner stands quashed.

Disposed of.

(KULDIP SINGH)
JUDGE

10.01.2019
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Whether speaking / reasoned
Whether Reportable:

Yes
No