

250.

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

CRM-M-43651-2017

Date of decision:02.07.2019

AMARJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Dharminder Singh Randhawa, Advocate,
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab,
for respondent No.1.

Mr. M.S. Yadav, Advocate, for
Mr. Sunny K. Singla, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.157 dated 29.10.2016 (Annexure P-1) registered under Sections 323, 498-A of IPC at Police Station Amloh, District Fatehgarh Sahib along with all subsequent proceedings arising out of it.

Reply by way of affidavit of Manpreet Singh, Deputy Superintendent of Police, Sub-Division Amloh, District Fatehgarh Sahib has been filed on behalf of respondent No.1 i.e. State of Punjab, which is taken on record. Para 2 of the reply reads as under:-

“That another application no.207-FR dated 14.06.2017 for inquiry was moved by Karamjit Singh son of Lal Singh resident of Bhadal Thuha, Tehsil Amloh, Distt. Fatehgarh Sahib which was further marked to Deputy Superintendent of Police, Amloh,

who further inquired the matter and has come to the conclusion that there is no direct evidence against the petitioner and another as such cancellation report be prepared in this matter vide his report dated 14.08.2017. That after their suggestion, this report has been send to the office of Senior Superintendent of Police, Fatehgarh Sahib on 06.09.2017 who vide his recommendation dated 09.09.2017 has order to sought the legal opinion of District Attorney (Legal) and this file along with the report has been sent to District Attorney (Legal) for his opinion that District Attorney (Legal), Fatehgarh Sahib has also suggested that cancellation report be prepared of this case as he is agree with the investigation report made by Deputy Superintendent of Police, Amloh. That the report of District Attorney (Legal) dated 26.09.2017 was send to Senior Superintendent of Police, Fatehgarh Sahib on 26.09.2017 upon which Senior Superintendent of Police, Fatehgarh Sahib has wrote, "SHO, Amloh to do the needful in compliance of the Deputy District Attorney (Legal), Fatehgarh Sahib opinion on 27.09.2017." As such cancellation report has been prepared by Station House Officer, Amloh on 09.10.2017 which is shortly to be presented before the learned trial Court. Hence the present petition deserves dismissal."

In view of above reply, police has not found any direct evidence against the petitioner and cancellation report has accordingly been prepared vide report dated 14.08.2017 which is to be presented before the trial Court.

Learned State counsel, on instructions from ASI Jaswinder Singh, has submitted that though cancellation report was prepared, but the same could not be presented before the Illaqa Magistrate as the learned Magistrate was insisting the presence of the complainant while submission of cancellation report.

In view of the reply, reproduced above, when the police has already concluded the investigation and prepared a cancellation report, the present petition is disposed of with a direction to the police to submit the cancellation report again before the Illaqa Magistrate, who can procure the presence of the complainant by issuing notice in accordance with law.

(HARI PAL VERMA)
JUDGE

02.07.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No