

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

CRM-M-52678-2018
Date of decision: 13.02.2019

Nem Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sumit Gupta, Advocate for
Mr. Gaurav Gupta, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of investigation in FIR No. 0084 dated 06.02.2018, under Sections 120-B/323/420/452/467/468/506 of the IPC, registered at Police Station Camp Palwal, District Palwal, to some other investigating agency.

As per the averments made in the petition, the petitioner/complainant is an employee of Haryana Roadways and he has got registered the aforesaid FIR against Rajpal and Dharamvir Singh on the ground that they, by showing themselves to be the owner of a plot, have got a sale deed registered on 22.07.2005 in the name of the petitioner/complainant and his wife, however, later on, the accused persons failed to provide possession of the said plot and the petitioner/complainant has already filed a civil suit for possession of the plot. It is also submitted that petitioner has approached Chief Judicial Magistrate, Palwal for

directing the police officials to submit the status report, upon which, a status report was filed and it was stated that investigation is still going on. Thus, it is prayed that the investigation be transferred to some other investigating agency as the police is not completing the investigation.

Reply, by way of affidavit of DSP, Palwal, has been filed in Court today. As per the reply, after recording the statement of the witnesses and concluding the investigation, it is found that the dispute is of civil nature arising out of an agreement to sell and a sale deed, qua which, the petitioner has already approached Civil Court. Therefore, police has prepared a cancellation report on 02.02.2019 in the present FIR.

Learned State counsel, on instructions from ASI Ranbir Singh, submits that cancellation report will be submitted before the Illaqua Magistrate within a period of four weeks from today.

In view of the above, this petition is disposed of as infructuous.

However, liberty is granted to the petitioner to file a complaint/protest petition before the Illaqua Magistrate, in accordance with law.

February 13, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No