

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

202

CRM-M-9048-2017

Date of Decision:17.07.2019

Dharamvir Gupta

....petitioner

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present: Mr.Munish Gupta,Advocate
for the petitioner

Mr. Bhupender Beniwal, AAG, Punjab.

Mr.L.M.Gulati, Advocate
for respondent No.5

ANIL KSHETARPAL, J. (ORAL):

Prayer in this petition is for quashing of order dated 03.12.2015 (Annexure P5), passed by the trial Court, vide which it was ordered that 'untraced report' be treated as a private complaint and also for quashing of order dated 09.12.2016 (Annexure P7), vide which the application moved by the petitioner was dismissed by the trial Court.

Learned Sub-Divisional Judicial Magistrate, Khanna, after having examined the cancellation report submitted by the police and the first informant, having given a statement on 08.10.2015 that he does not agree with the cancellation report, directed the petitioner to lead preliminary evidence and untraced report filed by the police was treated as a private complaint.

Grievance of the petitioner is that he has not been permitted to file protest petition and it would not be appropriate to treat the untraced

report as a private complaint. Further grievance of the petitioner is that the Court should have taken cognizance of the offence.

This Court has heard learned counsel for the parties at length.

In the considered view of this Court, the present petition can be disposed of by permitting the petitioner to file a protest petition, which shall be treated as a 'criminal complaint' and thereafter, the Court would proceed in accordance with law.

The petition stands disposed of.

17.07.2019

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No