

Devi Chand Matkan @ Devi Chand

... Petitioner

v/s

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJPresent: Mr. Arun Takhi, Advocate
for the petitioner

* * *

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner (accused) to challenge the order dated 31.07.2018 (Annexure P-6) passed by the Magistrate in case FIR No.52 dated 15.04.2013 under Sections 306, 34 IPC registered at Police Station Shimlapuri, Ludhiana City, District Ludhiana whereby the cancellation report submitted by the police was not accepted and further investigation was ordered.

Learned counsel for the petitioner contends that after completion of investigation, the final report in the shape of cancellation was filed on 21.12.2016. The attention of the Court is invited to the subsequent orders whereby the complainant despite having sought time to file protest petition failed to file any such petition and further absented from the proceedings. It is pointed out that considering the conduct of the complainant, the Court was left with no option but to accept the cancellation report. It is argued that the order, Annexure P-6 is without jurisdiction and warrants interference by this Court.

After hearing learned counsel for the petitioner, this Court does not find any merit in this argument.

It is not disputed during the course of arguments by the learned counsel that the investigating agency had allegedly recovered a suicide note left behind by the deceased, which in any case was not believed. However, the cause of death of the victim is also not mentioned in the cancellation report. Even the learned counsel is unable to point out the cause of death of the victim. This important aspect needs to be looked into. It is also not disputed by him that after filing of the final report, the Court has the power to accept it; or to reject it or may order further investigation considering the facts and circumstances of the case. Apparently the Court has exercised one of the options which in the given facts appears to be justified.

In view of the above, no ground is made out for interference.

Dismissed.

August 29, 2019
Janki

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No