

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

**CRM-M-34876 of 2020 (O & M)
DATE OF DECISION : 30.10.2020**

Amit Arora @ Bobby

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Kushagra Mahajan, Advocate,
for the petitioner.

Mr. P. S. Walia, AAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Grievance of the petitioner herein is non-presentation of challan/final report under Section 173 Cr.P.C in FIR No.1 dated 02.01.2012 under Section 304 IPC registered at Police Station A Division, District Amritsar.

2. In the earlier round of investigation, the Investigating Agency had filed a cancellation report on the basis of compromise. However, the said cancellation report was not accepted by the learned Magistrate vide order dated 05.12.2015 stating that offence is non-compoundable and cancellation thereof cannot be accepted. Thereafter, allegedly the Investigating Agency started calling the petitioner to police station and caused undue harassment.

3. Learned counsel for the petitioner argues that despite inordinate delay of 08 years, neither any challan has been filed by the prosecution, nor any

final investigation report has yet been submitted. The FIR is being kept pending against the petitioner.

4. It seems that grievance of the petitioner is genuine, in as much as undue delay in taking further action after the learned Magistrate had not accepted the cancellation report. FIR was though registered 08 years ago but cancellation report was not accepted way back in the year 2015 and even thereafter, it has been almost 05 years.

4. Prima-facie, it appears to be a case where for lack of evidence and/or lack of support by the prosecution witnesses, the Investigating Agency is unable to proceed further knowing that they are not going to succeed in the trial.

5. Be that as it may, the same does not preclude the Investigating Agency to take a final view on the matter and present a final report.

6. In the premise, the instant petition is disposed of with an expectation that respondent No.3 shall now proceed in the matter as expeditiously as possible and take further action in accordance with law.

OCTOBER 30, 2020
shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No