

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

**CRM-M No. 14551 of 2021 (O&M)
Date of Decision: 21.12.2021**

Sukhwant Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Gagandeep Grewal, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

Dr. Anmol Rattan Sidhu, Senior Advocate, assisted by
Mr. Shiv Kumar Sharma, Advocate
for respondent No. 5.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 482 of the Cr.P.C. seeks the making of a mandamus, upon the Investigating Officer concerned, to arrest the accused in FIR No. 0036 of 03.02.2020. In the afore FIR, the offences constituted under Sections 420, 406, 120-B of the IPC, and, under Sections 3 & 4 of Dowry Prohibition Act, 1961, are embodied. It has been lodged at Police Station Sadar Dhuri, District Sangrur.

2. The accused is named as an offender in the afore FIR. If the IO concerned had intentionally and deliberately not made thorough investigations into the offences, carried in the FIR (supra), and / or if despite his collecting tangible evidence with respect to the inculpatory role of the accused, in FIR (supra), had not proceeded to arrest them, after competent courts of declining the facility of anticipatory bail to the accused concerned.

Thereupon, this Court would have proceeded to draw appropriate action, in accordance with law, against the Investigating Officer concerned.

3. However, today, the learned State Counsel has placed on record a detailed reply on affidavit to the petition. A detailed reply filed to the petition, by the DSP, Sub Division Dhuri, District Sangrur. The relevant paragraphs 7 & 8 thereof, are extracted, and, reveal that though after holding of investigations into the offences, carried in the FIR (supra), the SSP, Sangrur, has approved the recommendation, as, made by the IO concerned, that the accused concerned, are not guilty of the afore drawn offences, as, carried in the FIR (supra). Also, from a reading of paragraph-8, it is clear that the cancellation report, or the closer report which has been approved by the SSP, Sangrur, is to be instituted before the Judicial Magistrate concerned, and that its filing, has been delayed on account of second wave of COVID-19, and, is likely to be presented in the Criminal Court of competent jurisdiction. A copy of the cancellation report is annexed with the afore reply as Annexure R-2/1.

“ 7. That upon which detail report was filed by DSP (CWC) on dated 01.03.2021 (which is annexed herewith as Annexure R-2/1). On dated 09.03.2021, the said report has been approved by SSP, Sangrur.

8. That on the basis of same, now cancellation report has also been prepared, which is delayed for presentation only due to 2nd wave of Covid-19 and will be presented in the Court of Competent Jurisdiction. For the kind perusal of this Hon'ble Court, cancellation report is annexed herewith as Annexure R-2/2. ”

4. In the wake of the afore, since it would not be jurisdictionally appropriate, for this Court to interfere with the afore drawn conclusions, as

made by the IO concerned, and, which have been endorsed by the SSP, Sangrur, nor this Court can either accept or reject the closer report concerned, which has been prepared, and, is likely to be instituted before the learned Judicial Magistrate, as thereupon, this Court would be impermissibly interfering with the jurisdiction of the learned Magistrate concerned, who alone holds jurisdiction to either accept or reject the same.

5. Nonetheless the petitioner still has a remedy, to upon, the closer being filed before the Judicial Magistrate concerned, to make a protest, in respect of its acceptance, by the Judicial Magistrate concerned, and, also to ask for further investigations being directed to be carried, by the IO concerned, into the FIR (supra).

6. In summa, with the afore liberty, this Court does not at this stage, find any merit in the petition, and, it is disposed of as such.

7. Pending miscellaneous applications stand disposed of.

December 21, 2021

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>