

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-24287 of 2021
Date of decision:06.07.2021

Rajinder Parshad

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Meghna Nehra, Advocate for
Mr. Sunil K. Nehra, Advocate
for the petitioner.

SUVIR SEHGAL J.

The hearing of this petition has been taken up through video conferencing.

Vide the instant petition filed under Section 482 of the Code of Criminal Procedure, 1973, the petitioner seeks setting aside of order dated 12.01.2021 (Annexure P-8) passed in Criminal Revision Petition No.69 of 2019 by learned Additional Sessions Judge, Panchkula by which the matter has been remanded back to the Court of Chief Judicial Magistrate, Panchkula.

Brief facts may be noticed. On a complaint sent by the Secretary, Haryana Staff Selection Commission (HSSC), FIR No.372 dated 10.10.2015 was lodged for offences under Sections 420, 467, 468, 120-B of Indian Penal Code, 1860 at Police Station Sector-5, Panchkula (Annexure P-1). The complaint was signed by the Superintendent Establishment of HSSC. After investigation, an untraced report dated

20.03.2018 (Annexure P-5) was submitted to the Magistrate in the presence of Jagdish Lal, Superintendent, HSSC, who appeared, recorded his satisfaction with the Investigation and made a statement that he does not want to pursue the case any longer. Consequently, the untraced report was accepted by the trial Court and record was ordered to be consigned, vide order dated 18.07.2018 (Annexure P-6) which has been set aside in a revision petition, vide order impugned herein.

I have considered the arguments advanced by the counsel for the petitioner as well as gone through the documents appended with the paper book with her assistance.

A perusal of the FIR (Annexure P-1) shows that Jagdish Singh, while discharging his duty as Superintendent of HSSC, had sent the complaint on behalf of the Secretary of the Commission on the basis of which FIR aforesaid was registered. Therefore, when the untraced report was presented before the trial Court, a notice was required to be issued to Secretary, HSSC, who was the complainant, but instead the Superintendent, who by then had superannuated, appeared before the trial Court, made a statement and the cancellation report was accepted. This order has been set aside by the revisional Court while remanding the case back to the Magistrate and directing him to give opportunity of hearing to the Secretary, HSSC. Consequently, this Court finds no reason to interfere with the order passed by the learned Additional Sessions Judge, Panchkula.

Petition is dismissed.

(SUVIR SEHGAL)
JUDGE

July 06, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes