

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CRM No. M-28254 of 2021
Date of Decision : 21.09.2021

Shyam Sunder

...Petitioner

Versus

State of Punjab and another

...Respondents

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Gursimran Singh Madaan, Advocate for respondent No. 2.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioner is for quashing of FIR No. 154 dated 17.08.2016, registered under Sections 295-A and 153 IPC and Sections 67 and 67-A of the Information Technology Act, 2001 at Police Station Kotwali, District Patiala as well as all subsequent proceedings arising therefrom.

Learned counsel for the petitioner argues that the police has investigated the allegations more than once and have found those allegations to be incorrect and cancellation reports have been submitted though, the same have not been accepted by the Illaqa Magistrate. Learned counsel for the petitioner submits that one of the cancellation report dated 05.10.2018 submitted by the Investigating Agency is pending consideration before the Illaqa Magistrate and the complainant has already filed a protest petition against the said cancellation report. Learned counsel submits that

pendency of the proceedings are causing prejudice to the petition as no action has been taken on the cancellation report by the Illaqa Magistrate for the last approximately three years.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, a cancellation report is pending consideration before the Illaqa Magistrate and respondent No. 2 has also filed his protest petition, the prayer of the petitioner for quashing of FIR cannot be accepted.

Learned counsel for the petitioner submits that petitioner will be satisfied in case a direction is issued to the Illaqa Magistrate to pass an appropriate order with regard to the cancellation report dated 05.10.2018 submitted by the Investigating Agency, which is pending consideration for the last approximately 3 years.

Learned State counsel as well as learned counsel for the petitioner raises no objection for issuance of a direction to the concerned Illaqa Magistrate for passing an appropriate order on the cancellation report submitted by the Police dated 05.10.2018.

Keeping in view the above, the concerned Illaqa Magistrate dealing with FIR No. 154 dated 17.08.2016, registered under Sections 295-A and 153 IPC and Sections 67 and 67-A of the Information Technology Act, 2001 at Police Station Kotwali, District Patiala, is directed to pass appropriate order on the report submitted by the Investigating Agency dated 05.10.2018 within a period of two months from today, if not already passed.

September 21, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No