

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

CRM-M-15890-2018 (O&M)

Date of decision: 29.11.2022

Kashmir Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. P. S. Pandher, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of FIR No. 173 dated 04.12.2006, registered under Sections 379, 411 of the IPC and Sections 32, 33 of the Indian Forest Act, 1927 at Police Station Noormahal, District Jalandhar along with all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that as per allegations in the FIR, no one was arrested at the spot and a tractor trolley was recovered. It is further submitted that the FIR pertains to the year 2006 and despite the lapse of a period of more than 11 years, the police has not completed the investigation and has not submitted the final report under Section 173 Cr.P.C. before the trial Court/Illaqia Magistrate.

Learned counsel for the petitioner further submits that in terms of the limitation provided under Section 468 Cr.P.C., since the offences as mentioned in the FIR, have maximum punishment of less than 03 years, the trial Court, even if the *challan* is presented, cannot take the cognizance of the same.

Reply, filed on behalf of the respondent-State, is on record, in which it is stated that the FIR was registered on a complaint submitted by the District Forest Officer, Phillaur and during investigation, the petitioner and other accused were joined in investigation and they are on anticipatory bail. It is further submitted that on completion of investigation, a cancellation report was prepared on 28.05.2009 and it was submitted before the Additional Chief Judicial Magistrate, Jalandhar on 10.07.2018, however, the Court did not accept the same and returned the case for further investigation.

Learned State counsel, on instructions from ASI Amrik Singh, submits that the case is still at the stage of investigation.

In view of the same, the present petition is disposed of with a direction that the police, after completion of the investigation, will submit a final report before the trial Court/Illaqha Magistrate within a period of 06 months from today and at the time of taking cognizance, if any, the trial Court will first decide the issue of limitation under Section 468 Cr.P.C. and in case it is barred by limitation, the trial Court will pass the appropriate order in accordance with law.

Liberty is granted to petitioner to file a fresh petition, if so required.

29.11.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No