

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

**CRM-M No. 18044 of 2022  
Date of Decision: 29.04.2022**

Jagdish Singh

..... Petitioner

**Versus**

State of Punjab and others

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present: Mr. Mohit Jaggi, Advocate  
for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab  
assisted by ASI Bhagwant Singh.

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**SURESHWAR THAKUR, J. (ORAL)**

1. Through the instant petition, the petitioner seeks for a direction being made to the respondents, to make expedited investigations into FIR No. 0126 of 09.08.2018 (Annexure P-1), registered at Police Station Pasyana, District Patiala, and, also a mandamus is prayed to be, made upon the respondents, to institute a report under Section 173 of the Cr.P.C., before the learned trial Magistrate concerned.

2. Though, no direction, at this stage, can be passed, upon, the Investigating Officer (IO) concerned, to imperatively draw an affirmative report under Section 173 of the Cr.P.C., against the accused, and, or, to institute it, before the learned trial Magistrate concerned, as, the institution of the above report, is always subject to his objectively considering all the evidence, as, becomes collected, during the course of investigations held in FIR (supra). Subsequently, after the above objective appraisal, being made by the IO concerned, he may either draw an affirmative report under Section

173 of the Cr.P.C., and, file it, before the learned Court concerned, and, or,

may institute a closure report in the Court concerned.

3. Be that as it may, even if a closure report is filed, by the IO concerned, before the learned trial Judge concerned, thereupon, the learned Committal Court concerned, or the learned trial Judge concerned, is / are not under any legal obligation to accept it, rather become(s) enjoined to, after, receiving a protest thereagainst, by the aggrieved, to make a decision with respect to the validity of the closure report, instituted before him, and / or with respect to the validity of the protest qua its acceptance.

4. The learned State Counsel, on instructions, meted to him, by ASI Bhagwant Singh, submits that after completion of investigations, into FIR (supra), the IO concerned, has instituted a closure report, before the Court concerned. Therefore, the above asked relief cannot be granted to the petitioner. However, the only remedy now available to the petitioner, is of his filing a protest, before the learned Court concerned, against the acceptance of the closure report.

5. With the afore made observations, the petition is disposed of.

**April 29, 2022**

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**( SURESHWAR THAKUR )  
JUDGE**

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| <i>Whether Speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |