

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

112

CRM-M-19133-2021

Date of Decision:02.08.2022

Jagdev Singh @ Jagga**.....Petitioner****Versus****State of Punjab and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

**Present: Mr. Naveen Kumar, Advocate for
Mr. Nirmaljeet Singh Sidhu, Advocate,
for the petitioner.**

Ms. Amarjit Kaur Khurana, D.A.G., Punjab.

VINOD S. BHARDWAJ , J.(Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.69 dated 20.09.2016 under Sections 307, 506 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959, registered at Police Station Sadar Rampura, District Bathinda.

A status report by way of an affidavit of Jasvir Singh, PPS, Deputy Superintendent of Police, Sub-Division Phul, District Bathinda on behalf of respondent No.1 had already been filed in the Court with a copy in advance to the learned counsel for the petitioner. The relevant extract of the said status report reads thus:-

“4. That it is submitted that the FIR in question was registered against the petitioner Jagdev Singh @ Jagga son of Mohan Singh on the statement of the private respondent No.2/complainant Malkeet Singh on the allegations that the accused fired at the private respondent No.3 Harvinder Singh

(nephew of the complainant) with intention to kill him.

5. *That during the investigation, the allegations in the FIR in question were found to be false and the police prepared the cancellation report and filed the same in the learned court of SDJM, Phul. Since the complainant did not agree with the cancellation report, the learned SDJM, Phul vide order dated 24.08.2018 rejected the cancellation report and ordered for re-investigating the case.*

6. *That it is submitted that during re-investigation, the allegations in the FIR in question were found to be false, so the police again prepared the cancellation report in the FIR in question on 11.02.2021 and filed in the learned court on 31.08.2021 and now the same is pending before the learned SDJM, Phul with next date fixed as 24.09.2021.”*

During the course of hearing today, learned State Counsel has contended that a cancellation report was again submitted before the Illaqa Magistrate on 31.08.2021, however, vide order dated 17.12.2021, the Illaqa Magistrate had directed further investigation to be conducted in the matter and that the same is pending investigation, at this stage.

In view of the fact that the Investigating Agency had submitted a cancellation report twice over and the fact that the order whereby further investigation had been directed by the Illaqa Magistrate, is not a subject matter of challenge before this Court, it would not be appropriate at this juncture to invoke the instant jurisdiction under Section 482 Cr.P.C., directing to quash the said FIR.

The present petition is dismissed as not pressed, at this stage, however, with liberty to the petitioner to file a fresh petition on a renewed cause of action, if any, if so advised.

August 02, 2022
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No