

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

229

**CRM-M-19114-2021 (O&M)
Date of decision: 23.03.2022**

CHETAN MOTE

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Vipin Mahajn, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The instant petition had been filed under Section 482 CrPC for issuance of directions to respondent Nos.2 and 3 to conduct proper and impartial investigation in case FIR No.184 dated 16.09.2020 under Sections 326, 452, 324, 323, 379, 427, 148 and 149 of the IPC registered at Police Station City Gurdaspur, District Gurdaspur.

Status report by way of affidavit of Dr. Nank Singh, IPS, Senior Superintendent of Police, Gurdaspur on behalf of respondent Nos.1 to 4 has been filed in compliance of order dated 01.07.2021.

A perusal of the said report shows that the matter has already been investigated and a cancellation report has been moved. The relevant extract of the same is reproduced hereinbelow:-

7. That it is humbly submitted that Smt Saroi Bala wife of Pawan Kumar resident of Christian colony, Geeta Bhawan Road, Gurdaspur had filed an application dated 22.09.2020 to

the office of the then SSP/Gurdaspur regarding investigation and cancel of the case FIR No. 184/20 (supra). The investigation of the above said case was got conducted by Sh. Sukhpal Singh, PPS, Deputy Superintendent of Police, City Gurdaspur. The Investigating Officer visited the spot and investigated the case and during the investigation, it came to light that there was only a minor verbal quarrel between both the parties. Pawan Kumar and others did not attack in the house of Rakesh Kumar @ S Mattu. In this regard, Rakesh Kumar @ Mattu and his wife Situ had given affidavit that no quarrel took place in their house and nor any damage was caused to the house. It is also submitted that 85 persons gave joint statement that no one attacked house of Rakesh Kumar @ Mattu. Copy of affidavit of Rakesh Kumar @Mattu and his wife Situ are attached as Annexure R-1 / T and R-2 / T respectively and copy of Joint statement is attached as Annexure R-3 / T.

In view of the averment made in the status report of the cancellation report having already been filed, it would be open to the petitioner to take recourse to the appropriate remedy before the trial Court in the event any grievance still survives.

The instant petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

March 23, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>