

CRM-M-19926 of 2019

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

CRM-M-19926 of 2019

Date of decision: April 19, 2022

Gulzar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Aman Joon, Advocate, for
Mr. Rajiv Kataria, Advocate,
for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

Mr. Nagar Singh, Advocate,
for respondent No.4.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, the petitioner seeks, the making of a mandamus upon respondent No. 2 to conduct a fair investigation into FIR No. 196 of 18.10.2012 registered at Police Station Derabassi, District SAS Nagar (Mohali), wherein, an offence under Sections 364/120-B IPC becomes embodied.

2. The afore prayer would remain alive or would survive, only when the investigations are underway, and obviously would neither survive nor would remain alive, if the investigations are complete, and, thereafter an affirmative report under Section 173 Cr.P.C., becomes filed before the learned Magistrate concerned or a cancellation or untraced report is filed.

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3. Since in reply furnished to the petition by the learned State counsel, it is revealed that after completion of investigations in the FIR (supra), an untraced report has been prepared, and, sent for approval to the competent authority, and, thereafter it would be filed in the Court concerned. Consequently, the petition at hand does not survive, and, rather the only remedy open to the aggrieved against the untraced report is to make a protest against its acceptance by the Magistrate concerned.

Disposed of.

April 19, 2022

Satyawan

**(SURESHWAR THAKUR)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: Yes/No