

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-4931-2018

Date of Decision: 22.11.2022

Parmender

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Ajay Ghangas, Advocate for the petitioner.

Mr. Munish Sharma, Assistant Advocate General, Haryana.

None for respondents No. 6 to 12.

Mr. N.S. Dadwal, Advocate for respondent No. 13.

ASHOK KUMAR VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of a direction to respondents No. 1 to 5 for transferring the investigation of case FIR No. 0178 dated 24.07.2017, registered under Sections 302 and 328 read with Section 34 IPC at Police Station Baroda, District Sonapat, to some senior police officer not below the rank of IPS Officer or to some other independent agency.

Status report dated 21.11.2022, filed by way of affidavit of Sh. Mukesh Kumar, Deputy Superintendent of Police, Gohana, Sonipat, on behalf of respondents No. 1 to 5, is taken on record.

It has been averred in the status report that after completion of investigation in the aforesaid FIR, cancellation report has been

presented before the learned Sub Divisional Judicial Magistrate, Gohana on 16.11.2022. It has further been averred that at the time of filing of cancellation report, wife of complainant, namely, Smt. Krishna and son-Parvinder, also appeared before the learned Sub Divisional Judicial Magistrate, Gohana and made their joint statement that the complainant has already expired and produced his death certificate. They further stated that they are not satisfied with the police investigation in the present case and want to file protest petition. Thereafter, the matter was adjourned by the learned Sub Divisional Judicial Magistrate, Gohana for 15.12.2022 for filing protest petition, if any. A copy of order dated 16.11.2022, passed by the learned Sub Divisional Judicial Magistrate, Gohana, is annexed with the report as Anneure R-1.

In view of the above, learned counsel for the petitioner submits that he may be permitted to withdraw the instant petition, with liberty to take recourse to the appropriate remedy before the trial Court, in accordance with law.

Dismissed as withdrawn, with the liberty aforesaid.

November 22, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**