

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

**202**

**CRM-M-35522 of 2021 (O&M)  
DECIDED ON:28<sup>th</sup> March, 2022**

**Karan**

**.....PETITIONER**

**VERSUS**

**State of Punjab and another**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.**

Present: Mr. B.S.Bhalla, Advocate for petitioner.

Mr. Dhruv Dayal, Sr. DAG Punjab.

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**AVNEESH JHINGAN, J (ORAL)**

This petition is filed seeking quashing of FIR No.41 dated 25.3.2005, under Section 307 read with Section 34 (later on 307 reduced to Section 326) IPC, registered at Police Station City, Khanna, District Ludhiana.

Statement of complainant was recorded under Section 164 Cr.P.C.

Respondent No.2 could not be served in this petition as she has migrated abroad.

In the reply filed by the State, it is stated that un-traced report was filed thrice, however, respondent No. 2 did not appear before the trial Court. The relevant para-7 of the reply is quoted below:

*"That accordingly, the local Police prepared the untraced report and submitted before the ld. Trial Court thrice i.e. On 23.4.2009, 8.5.2010 and 14.6.2010, for acceptance. However, as the respondent No.2 did not appear before the ld. Trial Court on the above dates, the untraced report could not be accepted by the Ld. Trial Court. As per the record, at present, the respondent No.2 is living in abroad i.e. at Canada. As such, the answering respondent seeks the indulgence of this Hon'ble Court to dispose of the instance petition. "*

Learned counsel for the petitioner, in view of the reply filed, seeks permission to withdraw the present petition with liberty to move an application before the trial Court for necessary relief.

Dismissed a withdrawn with liberty as prayed for.

28<sup>th</sup> March, 2022  
*reema*

(AVNEESH JHINGAN)  
JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |