

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

CRM-M-35383-2019

Date of Decision:-30.08.2022

Dalbir Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ritesh Pandey, Advocate for the Petitioners.

Mr. Ravinder Singh, Assistant Advocate General, Punjab.

Mr. Parveen K. Garg, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 482 Cr.PC is for quashing of FIR No.204 dated 04.11.2016 under Sections 304 IPC registered at P.S. Jandiala, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising out of the same as the police after investigation of the case has already submitted a cancellation report and presented the same before the concerned court on 14.6.2017 and despite the agreement on the cancellation report by the complainant, the Magistrate has sent the case back for reinvestigation vide order dated 26.09.2017.

The Counsel for the petitioners submits that pursuant to the registration of the FIR the cancellation report was submitted. Notice of the same was issued to the complainant, who appeared and accepted the same.

Despite that fact, the Magistrate send the case back for re-investigation. He submits that this course could not have been adopted by the Magistrate once the complainant had accepted the cancellation report.

The Counsel for the State on the other hand contends that pursuant to the reinvestigation a fresh cancellation report has been prepared and shall be submitted to Court within a period of six weeks from today.

In view of the above, the present petition is disposed of with liberty to the petitioners to avail their alternative remedies available to them in accordance with law once the said report is submitted.

(JASJIT SINGH BEDI)
JUDGE

August 30, 2022

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