

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

CRM-M-38822 of 2019(O&M)

Date of Decision:-09.03.2022

Neeraj Mahajan.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

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

Present:- Mr. Mohinder Kumar, Advocate for the Petitioner.

Mr. Sidakmeet Singh Sandhu, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition is for quashing of the order dated 31.05.2019 (Annexure P-8) whereby the cancellation report has been accepted by the Court.

The brief facts of the case are that an FIR No.238 dated 07.08.2016 under Section 406 of IPC was registered against R.K. Khandelwal, Amit Madan, Rahul Mohta, Sanjeev Thukral, B.S. Sandhu and Pawan at the instance of the petitioner-complainant. The accused therein were granted the concession of anticipatory bail and they furnished their bail bonds and surety bonds, which were found to be submitted by persons who had earlier submitted their sureties in other cases/FIRs as well against the same property. They had also furnished affidavits to the effect that they

had not furnished their sureties in any other case, which were also found to be false. Based on these facts, the petitioner-complainant got registered another FIR No.176 dated 23.10.2018 under Sections 193, 420, 467, 468, 471, 120-B IPC registered with Police Station Navi Baradari, Police Commissionerate Jalandhar, Punjab against Sanjeev Thukral, Amit Madan, Rahul Mohta, Ashok Kumar, Bhupinder Kaur and Pooja.

The investigation was carried out and a report under Section 173 Cr.PC was filed against the accused persons. However, subsequently the investigating agency came to the conclusion that the procedure adopted would have been under Section 195 Cr.PC and then proceed to file a cancellation report which was accepted.

The Counsel for the petitioner submits that for having committed offences under Sections 193, 420, 467, 468, 471, 120-B IPC the procedure under Section 195 Cr.PC is not to be adopted. Even otherwise, forged documents were prepared outside the Court and thus the procedure as envisaged under Section 195 Cr.PC was not required to be followed. He relies on **Iqbal Singh Marwah & Anr. Vs. Meenakshi Marwah & Anr.** **2005(2) RCR (Criminal) 178.**

I have heard learned Counsel for both the parties at some length.

At the just instance it would be appropriate for the petitioner to challenge the order dated 31.05.2019 (Annexure P-8) whereby the cancellation report filed before the JMIC, Jalandhar was accepted, in a appropriate petition.

In view of the above, learned Counsel for the petitioner prays for permission to withdraw the petition.

Dismissed as withdrawn with liberty aforesaid.

If the petitioner files the revision petition against the order 31.05.2019 (Annexure P-8) within a period of four weeks from today. Petitioner shall not be non suited on account of delay.

(JASJIT SINGH BEDI)
JUDGE

March 09, 2022
Vinay

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