

CRM-M No. 40380 of 2019
Reserved on:05.05.2022
Pronounced on : 22.07.2022

Iqbal Singh.....Petitioner

Vs.

State of Punjab.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
97	12.04.1987	Sadar Sri Muktsar Sahib	124-A, 153-A, 506 IPC and 10, 11, 12, 13 of Unlawful Activities and 3, 4 Tada Act, 1987

Feeling aggrieved by the pendency of FIR for last thirty-five years, the accused has come up before this Court under Section 482 Cr.P.C for quashing of the FIR and all consequential proceedings.

2. The status report by way of an Affidavit of the concerned Dy. SP has been filed, and it would be appropriate to reproduce the following paragraphs of the said status report, which read as follows:

2. That this Hon’ble Court vide order dated 27.02.2022 passed the following order:-

“Learned State counsel on instructions from DSP Talwinder Singh states that police file has been constructed with the help of salvage record available in the office. The exact stand of the prosecuting agency shall be brought on record by way of affidavit of the competent officer on the next date of hearing.”

3. That it is submitted the FIR in question was rightly registered against eighteen accused including the petitioner. During the investigation, the FIR in question was found to be false and the cancellation report had been prepared.

4. That since the case file went missing, so the cancellation report could not be filed in the learned Court. Now after the construction of the case file, the cancellation report was prepared and the same was filed in the learned Court at Faridkot on 09.06.2020 and the same is yet to be accepted by the learned court and the learned court has fixed 29.01.2021.”
3. A perusal of the case file would also recommend the acceptance of the present petition. Thus, given the response of the State and the facts and circumstance peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings qua the petitioner. The bail bonds of the petitioner are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

22.07.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.