

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

CRM-M-54420-2022

DECIDED ON: 24th NOVEMBER, 2022

SANJEEV KUMAR GARG @ SANJIV KUMAR @ TONI

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ankush Singla, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The instant petition under Section 482 Cr.P.C. has been filed for setting aside impugned order dated 15.11.2021 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Talwandi Sabo, vide which further investigation in FIR No. 65, dated 11.04.2014, under Sections 452, 324, 323, 148 and 149 IPC, registered at Police Station Talwandi Sabo, District Bathinda, was ordered.

Learned counsel for the petitioner has contended that in fact the FIR in question has already been quashed by this Court vide order dated 21.09.2015 (Annexure P-2) passed in CRM-M-6102-2015 on the basis of settlement arrived at between the parties. A perusal of the said order makes it abundantly clear that the State was duly represented and the order was pronounced in the presence of State counsel, meaning thereby that respondent-State was very much aware of the quashing of the FIR in question.

In the light of those facts, this Court is astonished to see the order dated 15.11.2021 (Annexure P-3) that the fact with regard to the quashing of FIR had not been brought to the notice of learned JMIC, Talwandi Sabo.

It has also been brought to the notice of this Court that though the representation dated 12.11.2022 (Annexure P-4) has already been moved to the Director General of Police, Punjab with a copy to Senior Superintendent of Police, Bathinda but still the authorities are sitting tight over the issue for the reasons best known to it, rather continuing with the investigation, which would amount to harassment to the petitioner at the hands of police authorities.

Keeping in view the totality of the facts and circumstances of the case and the fact that the FIR in question already stands quashed, the order dated 15.11.2021 (Annexure P-3) is totally un-warranted, illegal and is liable to be struck down.

Accordingly, the present petition is allowed and the order dated 15.11.2021 (Annexure P-3) is, hereby, set aside.

(SANDEEP MOUDGIL)
JUDGE

24th NOVEMBER, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>