

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3663-2023 (O & M)

Date of decision: 13.04.2023

Devraj

... Petitioner

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. O.P. Kamboj, Advocate,
for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the cross case registered vide GD No.44 dated 26.06.2021 under Sections 324, 323, 341, 148 and 149 IPC (Annexure P-2) in case FIR No.43 dated 20.06.2021 under Sections 307, 323, 434, 447, 506, 34 IPC at Police Station Amir Khas, District Fazilka (Annexure P-1) on the ground that the investigating agency has found the cross case in question to be a false one.

On 27.01.2023, the following order was passed in this case:-

“It has been brought to the notice of the Court that a cancellation report has already been submitted on 24.01.2023 to the Illaqa Magistrate. Since the petitioner has to obtain a Character Certificate and the pendency of this cross-DDR seems to be an impediment, the Illaqa Magistrate is directed to adjudicate upon the cancellation report as expeditiously as

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possible preferably within a period of 04 weeks from the next date fixed before it.

List on 14.03.2023”

Thereafter, on 14.03.2023, the following order was passed by this Court:-

“ The reply dated 14.03.2023 filed on behalf of the respondent-State is taken on record.

On 27.01.2023, the following order was passed in this case:-

“It has been brought to the notice of the Court that a cancellation report has already been submitted on 24.01.2023 to the Illaqa Magistrate. Since the petitioner has to obtain a Character Certificate and the pendency of this cross-DDR seems to be an impediment, the Illaqa Magistrate is directed to adjudicate upon the cancellation report as expeditiously as possible preferably within a period of 04 weeks from the next date fixed before it.

List on 14.03.2023”.

It has been brought to the notice of this Court that a subsequent cancellation report has been filed which is pending adjudication before the Illaqa Magistrate on 31.03.2023.

In view of the above, the Illaqa Magistrate is once again directed to adjudicate upon the cancellation report as expeditiously as possible preferably within a period of 02 weeks from the next date of hearing fixed before it.

Adjourned to 13.04.2023”.

Today, it has been brought to the notice of the Court that vide

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adjudicating upon the cancellation report/final report has ordered for clubbing the same with a criminal complaint instituted against the petitioner and the co-accused in which a summoning order has not yet been passed.

In view of the above, the present petition is disposed of with the directions to the concerned Magistrate seized of the criminal complaint to examine the contents of the cancellation report and only then proceed to adjudicate upon the criminal complaint filed against the petitioner and his co-accused.

Let the same be done as expeditiously as possible, not later than 04 weeks from the next date of hearing fixed before the said Court.

The Registry is directed to send a copy of this order to the Trial Court/Magistrate concerned for compliance.

April 13, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No