

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

**CRM-M-3904-2020
Date of decision : 14.02.2023**

Ramandeep Goyal and othersPetitioners

versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. U.K. Agnihotri, Advocate
for the petitioners.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. K.K. Saini, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (Oral)

Petitioners have approached this Court praying for quashing of FIR No.134 dated 15.08.2019, under Section 306 of IPC, registered at Police Station Lalru District SAS Nagar, Mohali along with consequential proceedings.

It has been contended by counsel for the petitioners that the petitioners have been falsely implicated in this case as no offence under Section 306 IPC is made out in the facts and circumstances of the case. He also submits that after investigation, the investigating agencies have also prepared cancellation report but the same is yet to be filed before the Court of competent jurisdiction.

Complainant-Ruksana is present in person along with her counsel. She has submitted before this Court that though her statement was recorded under Section 164 Cr.P.C., but she is an illiterate woman and she is not aware of the contents of the statement made under Section 164 Cr.P.C.

Learned State counsel submits that though the cancellation report has been prepared in this case, however, the same is to be filed before the Court of competent jurisdiction.

After hearing counsel for the parties, it is apparent that the investigating agencies have already prepared cancellation report in this case but the complainant is seriously opposing the same. She is even resisting her statement recorded under Section 164 Cr.P.C. In the facts and circumstances of the case, it is apparent that the case is under investigation and hence, the present petition for quashing of FIR cannot be entertained in view of the law settled. Thus, in the overall facts and circumstances of the case, present petition is disposed of with a direction to the investigating agencies to present the cancellation report, which is already prepared as submitted before this Court, to be presented before the concerned Illaqa Magistrate within two weeks from today. Both the petitioners and the respondents would be at liberty to pursue their remedies before the Court concerned as in accordance with law. The concerned Illaqa Magistrate where cancellation report would be presented would hear the complainant/victim before taking any further decision on the cancellation report, if so filed before it.

14.02.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No