

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

CRM-M-7244-2021

Date of Decision:-16.01.2023

Lakhbir Singh & Anr.

.....Petitioners.

Vs.

State of Punjab & Anr.

.....Respondents.

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

Present:- Mr. Sunil K. Sahra, Advocatre for
Ms. Nehar Sharma, Advocate for the Petitioners.

Mr. Gaurav Garg Dhuriwala, Additional Advocate General,
Punjab.

Mr. Anurag Arora, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 482 Cr.PC is for quashing of the FIR No.149 dated 15.07.2017 under Sections 323, 341, 34 IPC (Subsequently added Sections 308 and 325 IPC) registered at P.S. Division No.1, Jalandhar.

The Counsel for the State while referring to the reply dated 30.40.2021 submits that after the investigation the FIR only stands under Section 323 IPC read with Section 34 IPC which does not constitute a cognizable offence. Therefore a cancellation report dated 10.01.2018 was submitted in the present case on 23.08.2018. The re-investigation was ordered on 21.09.2018 and a second cancellation report was presented on 23.01.2019. Another further investigation took place which culminated in a

third cancellation report being filed on 4.8.2019 after which a further investigation has been ordered once again on 20.11.2019 and cancellation report has been prepared and submitted before the Illaqa Magistrate but the Illaqa Magistrate has not yet accepted/rejected the same. The Counsel for the State has also submitted that the Illaqa Magistrate has not applied his mind while sending the case each time for further investigation merely on the asking of the complainant.

In view of the sequence narrated by the counsel for the State, that a cancellation report has been filed nothing survives in the present petition. The parties are at liberty to avail remedies available to them in accordance with law. However, it is expected that if the Illaqa Magistrate orders a further investigation in the facts and circumstances of the case, it shall not do so only on the mere asking of the complainant but shall independently apply its mind while adjudicating upon the final report.

Disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 16, 2023

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