

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(113)

CRM-M-9987-2023

Date of Decision: 24.02.2023

Vidhan Chand

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. S.S. Sarwara, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for quashing of FIR No.0274 dated 16.11.2021 registered under section 306 IPC at Police Station, Sadar Patiala, District Patiala along with all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that from the facts and circumstances of the case, no offence under section 306 IPC is made out against the petitioner. He submits that after completion of investigation police filed cancellation report before the learned Magistrate concerned and the complainant also agreed to the same.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Sanjay Khan, Advocate accepts notice on behalf of respondent no.2.

Learned counsel for respondent no.2 has affirmed the submissions made by counsel for petitioner.

Learned State counsel on instructions from ASI Baldev Singh submits that cancellation report was filed before the learned ACJM, Patiala and the complainant also agreed to the same and thus the learned ACJM,

Patiala vide order dated 17.5.2022 adjourned the case for 10.6.2022 for consideration on the cancellation report. He submits thereafter the case came up for hearing on 26.7.2022, however, as neither of the parties appeared, the file was consigned.

After hearing learned counsel for the parties and perusing the record, it is apparent that the investigating agency had filed the cancellation report which was duly accepted by the complainant and thus the case was adjourned for consideration on the cancellation report, however, as the parties could not appear, no final decision was taken on the cancellation report.

In view of the above circumstances, present petition is disposed of with a direction to the court concerned that both the parties i.e. the petitioner and the complainant be called for and the case be taken up and decided after hearing both the sides in accordance with law, within a period of two weeks from today.

(RAJESH BHARDWAJ)
JUDGE

24.02.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No