

109

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19722-2023

Date of Decision: April 24, 2023

Arvinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.G.S.Brar, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 482 Cr.P.C. praying for issuance of direction to the respondents to present the challan under Section 173(2) Cr.P.C. against private respondent No.5 alongwith other co-accused in FIR No.33 dated 10.02.2016, under Section 306 IPC, registered at Police Station City Kharar, as per the recommendations of the Inquiry Officer, i.e. SSP Fatehgarh Sahib, in view of Inquiry report dated 30.11.2019, submitted before the IGP Roopnagar Range, Roopnagar.

It has been contended by counsel for the petitioner that after registration of the FIR both the parties have entered into compromise and the cancellation filed by the Investigating Agency was duly accepted by the learned Illaqa Magistrate, however, after cancellation report having been accepted by the Illaqa Magistrate, the private respondent has backed out from the compromise arrived at.

Notice of motion to the official respondents only at this stage.

On asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of respondents/State and submits on instructions from ASI Kulwinder Singh that after registration of the FIR, free and fair investigation was carried out and cancellation report was prepared, which was presented before the concerned Illaqa Magistrate. He submits that protest petition was also filed and after hearing both the sides, learned Illaqa Magistrate accepted the cancellation report vide its order dated 01.10.2020 and thus, the proceedings in FIR came to an end.

Heard.

It is apparent that FIR was duly investigated and cancellation report was filed before the Illaqa Magistrate, which was duly accepted by it vide its order dated 01.10.2020 after hearing both the sides.

In the facts and circumstances of this case, the present petition is disposed of with liberty to the petitioner to pursue his alternative remedy as available to him under the law.

April 24, 2023
meenuss

(RAJESH BHARDWAJ)
JUDGE

- | | | |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |