

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

250

CRM-M-25679-2023 (O&M)
Date of Decision.:20.12.2023

Sital Ram

Petitioner

Vs.

State of Punjab and Others

Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Status report by way of an affidavit of Shri Sandeep Wadehra (PPS), Assistant Commissioner of Police, Industrial Area- B, Ludhiana has been filed on behalf of respondent Nos.1 to 3- State.

2. Report of learned JMIC, Ludhiana has also been received through District & Sessions Judge, Ludhiana.

3. On 19.05.2023, following order was passed by this Court:

“Prayer in this petition is to quash FIR No.241, dated 04.07.2003 (Annexure P-1), registered at Police Station Division No.6, Ludhiana, under Section 409 of IPC and all the subsequent proceedings arising therefrom.

Contention of learned counsel for the petitioner is that after necessary investigation, untrace report (Annexure P-2) was prepared way back on 02.10.2004 and the same was sent for approval by the Senior Superintendent of Police, Ludhiana, vide Annexure P-4. He contended that untrace report was submitted before learned Judicial Magistrate 1st

Class, Ludhiana, who vide order dated 20.12.2008 sent back the same to the S.H.O. of the concerned police station. Petitioner applied for the certified copy of the order dated 20.12.2008, but the same was not supplied and rather application was returned with the remarks that the same was not entered in the Goswara register maintained in the record room.

Learned counsel contends that petitioner is to retire on 31.05.2024. It is more than 20 years that the sword of the FIR is still hanging on his head, despite the fact that untrace report has already been filed.

Notice of motion.

Mr. Parneet Singh Pandher, AAG, Punjab accepts notice on behalf of respondent-State. Copy of the paper book be supplied to him during the course of day.

Status report on behalf of the State be filed.

Status report be also called from the Court of learned Judicial Magistrate 1st Class, Ludhiana, where the cancellation report/untrace report in question was filed.

Adjourned to 26.07.2023.”

4. As per the status report filed today, the untrace report prepared by the investigating agency is presently pending for adjudication before learned Area Magistrate, Ludhiana with the next date of hearing as 07.10.2023. As per the report received from the Court concerned, the untrace report was presented on 29.05.2023 only and notice to the complainant was issued but as per the report received, the complainant was not traceable.

5. Notice of this petition was also issued to respondent No.4-complainant. He has been duly served as reported by the registry but there is no representation on behalf of said respondent No.4.

6. From all the circumstances as above, it appears that the only motive for respondent No.4 is to harass the petitioner and nothing else. Considering the

aforesaid circumstances, the present petition is accepted. F.I.R. No.241 dated 04.07.2003 (Annexure P-1) registered under Section 409 of the IPC registered at Police Station Division No.6, Ludhiana and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

7. However, it is made clear that respondent No.4- complainant will be at liberty to avail other alternative remedies as available to him under law including filing of the protest petition against the untrace report, if he so wishes.

Disposed of.

(DEEPAK GUPTA)
JUDGE

December 20, 2023

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No