

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

(228)

CRM-M-54018-2018

Date of Decision: 03.02.2023

Jagjit Singh and three others

...Petitioners

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. K. S. Boparai, Advocate, for the petitioners.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Saurabh Jain, Advocate, for  
Mr. Anurag Chopra, Advocate, for the complainant.

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**HARKESH MANUJA, J.(ORAL)**

By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the FIR No.0135 dated 26.11.2018 of Police Station Jodhan, Police District Ludhiana (Rural) registered under Sections 447/506/511/34 IPC (AnnexureP-1).

Notice of motion was issued by this Court vide order dated 06.12.2018. The State as well as private respondent have been appearing through their respective counsels since March, 2020, however, no reply has been filed at the instance of respondent No.2-complainant.

Learned State counsel submits that a cancellation report, in pursuance to the investigation carried out in the aforementioned FIR was prepared by the investigating agency on 20.11.2019 which was approved by the concerned SSP on 22.11.2019 and submitted to the Illaqa Magistrate on 18.01.2020 and the same is pending consideration with the concerned Court awaiting the presence of respondent No.2 complainant and as such, nothing

materials survives in the present petition to be adjudicated upon.

Learned counsel for the petitioners submits that though the cancellation report was submitted before trial Court way back in January, 2020, however, despite more than 3 years having passed, no final decision has been taken thereupon by the concerned Court as the respondent No.2 who is being duly represented before this Court has not even appearing before the trial Court just to delay the proceedings and harass the petitioners who have to present themselves before the trial Court on each and every date of hearing. Learned counsel further submits that the trial Court vide order dated 12.10.2022 has even ordered for issuance ofailable warrants against the petitioners which reads as under:-

*“Notice issued to complainant received back served through phone but he did not turn up. Now in order to procure the presence of complainant, he be summoned throughailable warrants in the sum of Rs.5,000/- with on surety in the like amount for 07.12.2022.”*

I have heard learned counsel for the parties and gone through the paper book.

A perusal of zimni orders passed by the Court below clearly reflects that the respondent No.2 who though is appearing before this Court and deliberately trying to linger on the proceedings pending before the trial Court as the factum of preparation of cancellation report before the trial Court was duly brought on record of this Court in the present proceedings through an affidavit dated 11.02.2020 filed by the Mr. Gurbans Singh Bains, PPS, DSP Dakha, District Ludhiana (Rural).

In view of the facts and circumstances narrated hereinabove, the

present petition is disposed of with a request to the trial Court to take a final decision on the cancellation report submitted at the instance of investigating agency, preferably within a period of 4 months from today.

Disposed of accordingly.

(HARKESH MANUJA)  
JUDGE

03.02.2023  
anil

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