

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

**CRM-M-36873-2022 (O&M)
Date of decision: 13.09.2023**

GURMEET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking to quash the FIR bearing No.70 dated 01.06.2018, under Sections 498-A/341/323/148/120-B IPC, registered at Police Station Sadar Muktsar Sahib, District Muktsar Sahib.

2. On 28.08.2023, the following order was passed:-

1. Status report by way of affidavit of Jagdish Kumar, PPS, Deputy Superintendent of Police, Sub-Division Sri Muktsar Sahib has been filed by learned State counsel and the same is taken on record.

2. Status report indicates that the cancellation report was submitted in the instant case on 04.11.2019 in the Court of learned Additional Chief Judicial Magistrate, Sri Muktsar Sahib and the following order was passed:

"Today complainant Simarjit Kaur filed the protest petition against the cancellation report. Heard. This cancellation report has been filed by the SHO, P.S Sadar, Sri Muktsar Sahib on the grounds that the FIR got registered by complainant is found to be an exaggerated version. The perusal of the FIR in question shows that complainant levelled allegations against her husband Gurmeet Singh and his family members on the grounds that after her marriage, they treated her with cruelty and raised demands of dowry. The FIR in question also contains allegations of physical assault. In the protest petition, complainant has also leveled similar allegations. Learned counsel for the complainant stated that the complainant has also filed private

complaint which is also pending for today and requested that present cancellation report be tagged with the file of the private complaint filed by complainant. He also referred to the judgment of Hon'ble Punjab and Haryana High Court in G. Shravan Kumar and others Versus State of Haryana and another, 2011(10) R.C.R (Criminal) 8 and Judgment of Hon'ble Supreme Court of India in Hemant Dhasmana Versus Central Bureau of Investigation and another, 2001(7) Supreme Court Cases 536 wherein it has been held that three options are open to the Magistrate to exercise when the final report is submitted by the police i.e (a) to accept the report; (b) to disagree with the report and issue process under Section 190(1)(b) Cr.P.C or in the alternative, he can take cognizance of the original complaint and examine the complainant and witnesses and therefore, issue process to the accused if he is of the opinion that the case should be proceeded with; (c) to exercise power under 173 (8) Cr.P.C and order further investigation to be made by the police. Therefore in view of the aforesaid, since complainant does not agree with the cancellation report and has already filed protest petition and has also filed separate private complaint, the present cancellation report is ordered to be tagged with the private complaint already filed by the complainant fixed for today itself. Compliance be made accordingly."

- 3. None has appeared on behalf of the petitioner.*
- 4. In the interest of justice, adjourned to 13.09.2023.*
- 5. To be shown in the urgent list."*

- 3. Learned counsel for the petitioner seeks to withdraw the present petition.
- 4. Dismissed as withdrawn.

13.09.2023
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(VIVEK PURI)
JUDGE

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