

CRM-M-39345-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-39345-2023

Date of decision: 16.08.2023

Sarwan Kumar

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Dhruv Dayal, Addl.A.G., Punjab.

ARUN MONGA, J. (Oral)

Present petition, *inter alia*, has been filed under Section 482 Cr.P.C. seeking appropriate direction to respondent Nos.2 to 4 to submit status report in case FIR No.43 dated 23.05.2014(Annexure P-1), registered under Sections 379, 447/511 IPC read with Section 34 IPC, at Police Station, Naya Gaon, District SAS Nagar (Mohali).

2. Learned State counsel, on instructions from ASI Balbir Singh, has handed-over a copy of order dated 01.06.2021 passed by learned Judicial Magistrate 1st Class, in the Court today, which is taken on record and marked as Annexure 'A', as per which the offences in the present FIR fall within the ambit of Section 468 Cr.P.C. barring the cognizance to be taken by the Court. Order dated 01.06.2021 (Annexure 'A') reads as under:

"File put up before me being Illaqa Magistrate. Perusal of the file shows that the present FIR was filed on 23.05.2014 under Section 379, 447, 511, 34 IPC. The present untraced report has been filed in the Court on 07.12.2020 i.e., after a lapse of 6 years. In the present case the Court is barred from taking cognizance of the offence by virtue of Section 468 of Cr.P.C. As per the Section 468 of Cr.P.C. the limitation period of taking cognizance of an offence punishable in which the imprisonment does not exceed three years is 3 years. In the present case the report under Section 173 has been filed after a lapse of 6 years without any reasonable explanation for the inordinate delay. In the present case the offences are under Section 379, 447, 511, 34 IPC in which imprisonment does not

exceed 3 years. As such, these offences fall within the ambit of Section 468 of Cr.P.C. barring the cognizance to be taken by the Court. Since the Court is barred from taking cognizance in the present case nothing further is required to be done. File be consigned to the record room.”

3. In view of aforesaid, nothing survives for adjudication before this Court. Petition is disposed of accordingly.
4. Needless to say that petitioner is at liberty to seek his appropriate remedy in case he is aggrieved *qua* the aforesaid order passed by learned Judicial Magistrate Ist Class.
6. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 16, 2023
Ajay

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